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GOVERNMENT ACCOUNTABILITY OFFICE

4 CFR Part 81

Public Availability of Government Accountability Office Records

AGENCY: Government Accountability Office.

ACTION: Final rule.

SUMMARY: These revisions clarify procedures to obtain Government Accountability Office (GAO) records. Specifically, the revisions add procedures for requesting records of GAO's Office of Inspector General. The revisions also clarify that documents prepared by GAO or GAO's Office of Inspector General for referral to another agency for law enforcement purposes are not subject to the regulations in this part. The previous regulatory language on this point was imprecise.

DATES: This rule is effective as of December 8, 2017.

FOR FURTHER INFORMATION CONTACT: John A. Bielec, Assistant General Counsel, *bielecj@gao.gov.*

SUPPLEMENTARY INFORMATION: GAO is amending 4 CFR 81.2 by specifically providing that GAO's Office of Inspector General (OIG) will process any requests under this part for OIG records. The OIG, which was established by statute in 2008, audits and investigates matters related to GAO's operations. The OIG executes its responsibilities independently of and free from interference or control by any other office or body within GAO. In keeping with and to best preserve this independence, the OIG itself should process requests for its records. However, when the OIG receives a request for records that originated in GAO, the OIG will refer the requester to GAO. These revisions provide that with respect to any request for OIG records, other than records that originated in GAO, throughout this part the term ''Counsel to the Inspector General'' would be substituted for ''Chief Quality Officer'' and the term ''Inspector General'' would be substituted for ''Comptroller General.''

In addition, § 81.6(g) is amended to clarify that documents prepared by GAO for referral to another agency for law enforcement purposes are exempt from the procedures in this part. Section 81.6(g) previously provided that records that GAO has already provided to another agency for law enforcement purposes are exempt. However, § 81.6(g) did not specifically address requests for records that GAO, including the OIG, created for referral to another agency for law enforcement purposes, but has not yet provided to another agency. For instance, during an investigation into possible criminal activity, the GAO OIG creates documents that may be forwarded to another agency for law enforcement purposes at the conclusion of the OIG's investigation. Section 81.6(g) was unclear as to whether such records, which have not yet been forwarded to another agency, would be subject to this part if requested before the conclusion of the investigation. These changes clarify that records compiled for referral to another agency for law enforcement purposes are exempt from this part.

GAO is not subject to the Administrative Procedure Act and accordingly is not required by law to seek comments before issuing a final rule. Application of the Administrative Procedure Act to GAO is not to be inferred from GAO's invitation of comments on the proposed rule.

Nevertheless, GAO published a proposed rule regarding these changes and invited comments at 82 FR 37545 (August 11, 2017). GAO received two comments on the proposed rule. Neither comment specifically addressed the proposed changes to this part. As a result, the final rule does not reflect these comments.

GAO added a sentence to the final version of § 81.2 that did not appear in the proposed version. This sentence clarifies that when the OIG receives a request for records that originated in GAO, the OIG will refer the requester to GAO. The final rule otherwise does not differ substantively from the proposed rule.

List of Subjects in 4 CFR Part 81

Administrative practice and procedure, Archives and records, Freedom of information, Requests for records.

For the reasons stated in the preamble, the Government Accountability Office amends 4 CFR part 81 as follows:

PART 81—PUBLIC AVAILABILITY OF GOVERNMENT ACCOUNTABILITY OFFICE RECORDS

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 31 U.S.C. 711.

■ 2. Amend § 81.2 by designating the undesignated paragraph as paragraph (a) and adding paragraph (b) to read as follows:

§ 81.2 Administration.

* * * * *

(b) Requests for records of GAO's Office of Inspector General (OIG) shall be processed by the Counsel to the Inspector General in accordance with this part. The Inspector General shall decide any administrative appeals of decisions of the Counsel to the Inspector General concerning such requests. However, if any of the requested records of the OIG originated in GAO, the Counsel to the Inspector General shall refer the requester to GAO's Chief Quality Officer for processing of the request for those records in accordance with this part. With regard to any public request to inspect or copy records of the OIG, other than records that originated in GAO, in this part the term ''Counsel to the Inspector General'' is to be substituted for ''Chief Quality Officer'' and the term ''Inspector General'' is to be substituted for ''Comptroller General''. All requests to inspect or obtain a copy of an identifiable record of the OIG must be submitted in writing to the Counsel to the Inspector General, U.S. Government Accountability Office, Suite 1808, 441 G Street NW., Washington, DC 20548 or emailed to *OIGRecordsRequest@gao.gov.*

■ 3. Amend § 81.6 by revising paragraph (g) to read as follows:

§ 81.6 Records which may be exempt from disclosure.

* * * * *

(g) Records compiled for law enforcement purposes that originate in another agency, or records prepared for referral to and/or provided by GAO or

the OIG to another agency for law enforcement purposes.

* * * * *

Dated: November 3, 2017.

Susan A. Poling,

General Counsel, Government Accountability Office.

[FR Doc. 2017–24340 Filed 11–7–17; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL RESERVE SYSTEM

12 CFR Part 204

Regulation D; Docket No. OP–1582; Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending Regulation D, Reserve Requirements of Depository Institutions, to reflect the annual indexing of the reserve requirement exemption amount and the low reserve tranche for 2018. The Regulation D amendments set the amount of total reservable liabilities of each depository institution that is subject to a zero percent reserve requirement in 2018 at $16.0 million (up from $15.5 million in 2017). This amount is known as the reserve requirement exemption amount. The Regulation D amendments also set the amount of net transaction accounts at each depository institution (over the reserve requirement exemption amount) that is subject to a three percent reserve requirement in 2018 at $122.3 million (up from $115.1 million in 2017). This amount is known as the low reserve tranche. The adjustments to both of these amounts are derived using statutory formulas specified in the Federal Reserve Act.

The Board is also announcing changes in two other amounts, the nonexempt deposit cutoff level and the reduced reporting limit, that are used to determine the frequency at which depository institutions must submit deposit reports.

DATES:

Effective Date: December 8, 2017.

Compliance Dates: The new low reserve tranche and reserve requirement exemption amount will apply to the fourteen-day reserve maintenance period that begins January 18, 2018. For depository institutions that report deposit data weekly, this maintenance period corresponds to the fourteen-day computation period that begins December 19, 2017. For depository institutions that report deposit data quarterly, this maintenance period corresponds to the seven-day computation period that begins December 19, 2017. The new values of the nonexempt deposit cutoff level, the reserve requirement exemption amount, and the reduced reporting limit will be used to determine the frequency at which a depository institution submits deposit reports effective in either June or September 2018.

FOR FURTHER INFORMATION CONTACT: Clinton N. Chen, Senior Attorney (202–452–3952), Legal Division, or Kristen R. Payne, Financial Analyst (202–452–2872), Division of Monetary Affairs; for users of Telecommunications Device for the Deaf (TDD) only, contact (202/263–4869); Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Section 19(b)(2) of the Federal Reserve Act (12 U.S.C. 461(b)(2)) requires each depository institution to maintain reserves against its transaction accounts and nonpersonal time deposits, as prescribed by Board regulations, for the purpose of implementing monetary policy. Section 11(a)(2) of the Federal Reserve Act (12 U.S.C. 248(a)(2)) authorizes the Board to require reports of liabilities and assets from depository institutions to enable the Board to conduct monetary policy. The Board's actions with respect to each of these provisions are discussed in turn below.

I. Reserve Requirements

Pursuant to section 19(b) of the Federal Reserve Act (Act), transaction account balances maintained at each depository institution are subject to reserve requirement ratios of zero, three, or ten percent. Section 19(b)(11)(A) of the Act (12 U.S.C. 461(b)(11)(A)) provides that a zero percent reserve requirement shall apply at each depository institution to total reservable liabilities that do not exceed a certain amount, known as the reserve requirement exemption amount.

Section 19(b)(11)(B) provides that, before December 31 of each year, the Board shall issue a regulation adjusting the reserve requirement exemption amount for the next calendar year if total reservable liabilities held at all depository institutions increase from one year to the next. No adjustment is made to the reserve requirement exemption amount if total reservable liabilities held at all depository institutions should decrease during the applicable time period. The Act requires the percentage increase in the reserve requirement exemption amount to be 80 percent of the increase in total reservable liabilities of all depository institutions over the one-year period that ends on the June 30 prior to the adjustment.

Total reservable liabilities of all depository institutions increased by 3.9 percent, from $7,531 billion to $7,821 billion, between June 30, 2016, and June 30, 2017. Accordingly, the Board is amending Regulation D to set the reserve requirement exemption amount for 2018 at $16.0 million, an increase of $0.5 million from its level in 2017.[1]

Pursuant to Section 19(b)(2) of the Act (12 U.S.C. 461(b)(2)), transaction account balances maintained at each depository institution over the reserve requirement exemption amount and up to a certain amount, known as the low reserve tranche, are subject to a three percent reserve requirement. Transaction account balances over the low reserve tranche are subject to a ten percent reserve requirement. Section 19(b)(2) also provides that, before December 31 of each year, the Board shall issue a regulation adjusting the low reserve tranche for the next calendar year. The Act requires the adjustment in the low reserve tranche to be 80 percent of the percentage increase or decrease in total transaction accounts of all depository institutions over the one-year period that ends on the June 30 prior to the adjustment.

Net transaction accounts of all depository institutions increased 7.8 percent, from $2,200 billion to $2,372 billion, between June 30, 2016, and June 30, 2017. Accordingly, the Board is amending Regulation D to set the low reserve tranche for net transaction accounts for 2018 at $122.3 million, an increase of $7.2 million from 2017.

The new low reserve tranche and reserve requirement exemption amount will be effective for all depository institutions for the fourteen-day reserve maintenance period beginning Thursday, January 18, 2018. For depository institutions that report deposit data weekly, this maintenance period corresponds to the fourteen-day computation period that begins December 19, 2017. For depository institutions that report deposit data quarterly, this maintenance period corresponds to the seven-day computation period that begins December 19, 2017.

II. Deposit Reports

Section 11(b)(2) of the Federal Reserve Act authorizes the Board to

[1] Consistent with Board practice, the low reserve tranche and reserve requirement exemption amounts have been rounded to the nearest $0.1 million.

require depository institutions to file reports of their liabilities and assets as the Board may determine to be necessary or desirable to enable it to discharge its responsibility to monitor and control the monetary and credit aggregates. The Board screens depository institutions each year and assigns them to one of four deposit reporting panels (weekly reporters, quarterly reporters, annual reporters, or nonreporters). The panel assignment for annual reporters is effective in June of the screening year; the panel assignment for weekly and quarterly reporters is effective in September of the screening year.

In order to ease reporting burden, the Board permits smaller depository institutions to submit deposit reports less frequently than larger depository institutions. The Board permits depository institutions with net transaction accounts above the reserve requirement exemption amount but total transaction accounts, savings deposits, and small time deposits below a specified level (the ''nonexempt deposit cutoff'') to report deposit data quarterly. Depository institutions with net transaction accounts above the reserve requirement exemption amount and with total transaction accounts, savings deposits, and small time deposits greater than or equal to the nonexempt deposit cutoff are required to report deposit data weekly. The Board requires certain large depository institutions to report weekly regardless of the level of their net transaction accounts if the depository institution's total transaction accounts, savings deposits, and small time deposits exceeds or is equal to a specified level (the ''reduced reporting limit''). The nonexempt deposit cutoff level and the reduced reporting limit are adjusted annually, by an amount equal to 80 percent of the increase, if any, in total transaction accounts, savings deposits, and small time deposits of all depository institutions over the one-year period that ends on the June 30 prior to the adjustment.

From June 30, 2016, to June 30, 2017, total transaction accounts, savings deposits, and small time deposits at all depository institutions increased 6.1 percent, from $11,457 billion to $12,157 billion. Accordingly, the Board is increasing the nonexempt deposit cutoff level by $21.3 million to $457.5 million for 2018 (up from $436.2 million for 2017). The Board is also increasing the reduced reporting limit by $97.2 million to $2.086 billion for 2018 (up from $1.989 billion in 2017).[2]

Beginning in 2018, the boundaries of the four deposit reporting panels will be defined as follows. Those depository institutions with net transaction accounts over $16.0 million (the reserve requirement exemption amount) or with total transaction accounts, savings deposits, and small time deposits greater than or equal to $2.086 billion (the reduced reporting limit) are subject to detailed reporting, and must file a Report of Transaction Accounts, Other Deposits and Vault Cash (FR 2900 report) either weekly or quarterly. Of this group, those with total transaction accounts, savings deposits, and small time deposits greater than or equal to $457.5 million (the nonexempt deposit cutoff level) are required to file the FR 2900 report each week, while those with total transaction accounts, savings deposits, and small time deposits less than $457.5 million are required to file the FR 2900 report each quarter. Those depository institutions with net transaction accounts less than or equal to $16.0 million (the reserve requirement exemption amount) and with total transaction accounts, savings deposits, and small time deposits less than $2.086 billion (the reduced reporting limit) are eligible for reduced reporting, and must either file a deposit report annually or not at all. Of this group, those with total deposits greater than $16.0 million (but with total transaction accounts, savings deposits, and small time deposits less than $2.086 billion) are required to file the Annual Report of Deposits and Reservable Liabilities (FR 2910a) report annually, while those with total deposits less than or equal to $16.0 million are not required to file a deposit report. A depository institution that adjusts reported values on its FR 2910a report in order to qualify for reduced reporting will be shifted to an FR 2900 reporting panel.

Regulatory Analysis

Administrative Procedure Act

The provisions of 5 U.S.C. 553(b) relating to notice of proposed rulemaking have not been followed in connection with the adoption of these amendments. The amendments involve expected, ministerial adjustments prescribed by statute and by the Board's policy concerning reporting practices. The adjustments in the reserve requirement exemption amount, the low reserve tranche, the nonexempt deposit cutoff level, and the reduced reporting limit serve to reduce regulatory burdens on depository institutions. Accordingly, the Board finds good cause for determining, and so determines, that notice in accordance with 5 U.S.C. 553(b) is unnecessary.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[3] As noted previously, the Board has determined that it is unnecessary to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,[4] the Board reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects in 12 CFR Part 204

Banks, banking, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board is amending 12 CFR part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (REGULATION D)

■ 1. The authority citation for part 204 continues to read as follows:

Authority: 12 U.S.C. 248(a), 248(c), 461, 601, 611, and 3105.

■ 2. Section 204.4 is amended by revising paragraph (f) to read as follows:

§ 204.4 Computation of required reserves.

* * * * *

(f) For all depository institutions, Edge and Agreement corporations, and United States branches and agencies of foreign banks, required reserves are computed by applying the reserve requirement ratios below to net transaction accounts, nonpersonal time deposits, and Eurocurrency liabilities of the institution during the computation period.

[2] Consistent with Board practice, the nonexempt deposit cutoff level has been rounded to the nearest $0.1 million, and the reduced reporting limit has been rounded to the nearest $1 million.

[3] 5 U.S.C. 603 and 604.

[4] 44 U.S.C. 3506; 5 CFR 1320.

Reservable liability	Reserve requirement
Net Transaction Accounts:	
$0 to reserve requirement exemption amount ($16.0 million)	0 percent of amount.
Over reserve requirement exemption amount ($16.0 million) and up to low reserve tranche ($122.3 million).	3 percent of amount.
Over low reserve tranche ($122.3 million)	$3,189,000 plus 10 percent of amount over $122.3 million.
Nonpersonal time deposits	0 percent.
Eurocurrency liabilities	0 percent.

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Monetary Affairs under delegated authority, November 2, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–24297 Filed 11–7–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0620; Airspace Docket No. 17–ASW–10]

Establishment Class E Airspace; Cisco, TX

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 Gregory M. Simmons Memorial Airport, Cisco, TX, to accommodate a new public instrument approach procedure at the airport and for safety and management of instrument flight rules (IFR) operations at the airport. Also, a correction is made to the airport name in the regulatory text.

DATES: Effective 0901 UTC, February 1, 2018. 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 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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

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 surface at Gregory M. Simmons Memorial Airport, Cisco, TX, to support IFR operations at this airport.

History

On August 1, 2017, the FAA published in the **Federal Register** (82 FR 35716) Docket No. FAA–2017–0620, a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the surface at Gregory M. Simmons Memorial Airport, Cisco, TX, to support the new public instrument approach procedure and enhance the safety and management of IFR operations at this airport. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA discovered that ''Memorial'' was inadvertently omitted from the airport name in the regulatory text of the NPRM and is corrected in this action.

Except for the edit noted above, this rule is the same as published in the NPRM.

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 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

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 a 6.6-mile radius of Gregory M. Simmons Memorial Airport, Cisco, TX, due to the establishment of a new public instrument approach procedure at the airport. Controlled airspace is necessary for the safety and management of instrument approach procedures for IFR operations at the airport. The airport name is corrected to Gregory M. Simmons Memorial Airport, from Gregory M. Simmons Airport, as set forth in the regulatory text of the NPRM.

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, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

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.

* * * * *

ASW TX E5 Cisco, TX [New]

Gregory M. Simmons Memorial Airport, TX (Lat. 32°21′57″ N., long. 99°01′25″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Gregory M. Simmons Memorial Airport.

Issued in Fort Worth, Texas, on November 1, 2017.

Walter Tweedy,

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

[FR Doc. 2017–24222 Filed 11–7–17; 8:45 am]

BILLING CODE 4910–13–P

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1301

Privacy Act Regulations

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rule.

SUMMARY: The Tennessee Valley Authority issues this final rule amending its Privacy Act (PA) regulation to redesignate section numbering.

DATES: This rule is effective November 8, 2017.

ADDRESSES: Tennessee Valley Authority, 400 W. Summit Hill Drive, Knoxville, TN 37902–1401.

FOR FURTHER INFORMATION CONTACT: Christopher A. Marsalis, Senior Privacy Program Manager, Tennessee Valley Authority, 400 W. Summit Hill Drive (WT 5D), Knoxville, Tennessee 47902–1401; telephone (865) 632–2467 or by email to *camarsalis@tva.gov.*

SUPPLEMENTARY INFORMATION: TVA's Privacy Act Regulations originally were published at §§ 1301.11 through 1301.24. With this amendment TVA is redesignating these sections to be numbered §§ 1301.21 through 1301.34.

Lists of Subjects in 18 CFR Part 1301

Freedom of Information, Privacy, Government in the Sunshine.

For the reasons stated in the preamble, TVA amends 18 CFR part 1301 as follows:

PART 1301—PROCEDURES

■ 1. The authority citation for part 1301 is revised to read as follows:

Authority: 5 U.S.C. 552 and 552a; 16 U.S.C. 831–831dd.

§§ 1301.20 through 1301.24 [Removed]

■ 2. Amend subpart B by removing §§ 1301.20 through 1301.24.

§§ 1301.11 through 1301.24 [Redesignated as §§ 1301.21 through 1301.34]

■ 3. Amend subpart B, by redesignating §§ 1301.11 through 1301.24 as §§ 1301.21 through 1301.34 as demonstrated in the following table:

Subpart B—Privacy Act

Redesignate §§ 1301.11 through 1301.24 as follows:

Old section	New section
1301.11	1301.21
1301.12	1301.22
1301.13	1301.23
1301.14	1301.24
1301.15	1301.25
1301.16	1301.26
1301.17	1301.27
1301.18	1301.28
1301.19	1301.29
1301.20	1301.30
1301.21	1301.31
1301.22	1301.32
1301.23	1301.33
1301.24	1301.34

§ 1301.21 [Amended]

■ 4. Amend newly redesignated § 1301.21 as follows:
■ a. In paragraph (a), by removing ''1301.11 to 1301.24'' and adding in its place ''1301.21 to 1301.34''.
■ b. In paragraph (b), by removing ''1301.11 to 1301.24'' and adding in its place ''1301.21 to 1301.34''.

§ 1301.22 [Amended]

■ 5. Amend newly redesignated § 1301.22 as follows:
■ a. In the introductory text, by removing ''1301.11 to 1301.24'' and adding in its place ''1301.21 to 1301.34''.
■ b. In paragraph (e), by removing ''1301.19(a)'' and adding in its place ''1301.29(a)''.
■ c. In paragraph (f), by removing ''1301.19'' and adding in its place ''1301.29''.

§ 1301.23 [Amended]

■ 6. Amend newly redesignated § 1301.23 by wrapping the undesignated sentence following paragraph (b)(6) into paragraph (b)(6), removing ''1301.14'' and adding in its place ''1301.24'', and removing ''1301.14(g)'' and adding in its place ''1301.24(g)''.

§ 1301.24 [Amended]

■ 7. Amend newly designated § 1301.24 in paragraph (a) by removing ''1301.15'' and adding in its place ''1301.25'' and removing ''1301.13'' and adding in its place ''1301.23''.

§ 1301.25 [Amended]

■ 8. Amend newly redesignated § 1301.25 as follows:
■ a. In paragraph (a), by removing ''1301.21'' and adding in its place ''1301.31''.
■ b. In paragraph (b), removing ''1301.14'' and adding in its place

''1301.24'' and removing ''1301.21'' and adding in its place ''1301.31''.

§ 1301.27 [Amended]

■ 9. Amend newly redesignated § 1301.27 as follows:
■ a. In paragraph (b), by removing ''1301.14'' and adding in its place ''1301.24''.
■ b. In paragraph (d), by removing ''1301.11 to 1301.24'' and adding in its place ''1301.21 to 1301.34''.

§ 1301.30 [Amended]

■ 10. Amend newly redesignated § 1301.30 by removing ''1301.11 to 1301.24'' and adding in its place ''1301.21 to 1301.34''.

Christopher A. Marsalis,

Senior Privacy Program Manager Enterprise Information Security & Policy, Tennessee Valley Authority.

[FR Doc. 2017–24300 Filed 11–7–17; 8:45 am]

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DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

RIN 1506–AB38

Imposition of Special Measure Against Bank of Dandong as a Financial Institution of Primary Money Laundering Concern

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Final rule.

SUMMARY: FinCEN is issuing this final rule to prohibit covered U.S. financial institutions from opening or maintaining a correspondent account for, or on behalf of, Bank of Dandong Co., Ltd. (Bank of Dandong) as a financial institution of primary money laundering concern pursuant to Section 311 of the USA PATRIOT Act (Section 311). The rule further requires covered U.S. financial institutions to take reasonable steps not to process transactions for the correspondent account of a foreign banking institution in the United States if such a transaction involves Bank of Dandong. It also requires covered institutions to apply special due diligence to their foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving Bank of Dandong.

DATES: This final rule is effective December 8, 2017.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center, (800) 949–2732.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Provisions

On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56 (the USA PATRIOT Act). Title III of the USA PATRIOT Act amended the anti-money laundering (AML) provisions of the Bank Secrecy Act (BSA), codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5314, 5316–5332, to promote the prevention, detection, and prosecution of international money laundering and the financing of terrorism. Regulations implementing the BSA appear at 31 CFR chapter X. The authority of the Secretary of the Treasury (the Secretary) to administer the BSA and its implementing regulations has been delegated to the Director of FinCEN.[1]

Section 311 of the USA PATRIOT Act (Section 311), codified at 31 U.S.C. 5318A, grants FinCEN the authority, upon finding that reasonable grounds exist for concluding that a foreign jurisdiction, financial institution, class of transactions, or type of account is of ''primary money laundering concern,'' to require domestic financial institutions and financial agencies to take certain ''special measures'' to address the primary money laundering concern. The special measures enumerated under Section 311 are prophylactic safeguards that protect the U.S. financial system from money laundering and terrorist financing. FinCEN may impose one or more of these special measures in order to protect the U.S. financial system from these threats. Special measures one through four, codified at 31 U.S.C. 5318A(b)(1)–(b)(4), impose additional recordkeeping, information collection, and reporting requirements on covered U.S. financial institutions. The fifth special measure, codified at 31 U.S.C. 5318A(b)(5), allows FinCEN to prohibit or impose conditions on the opening or maintaining of correspondent or payable-through accounts for the identified institution by U.S. financial institutions. Section 311 identifies factors for the Secretary to consider and requires consultations with certain Federal agencies before making a finding that reasonable grounds exist for concluding that a jurisdiction, institution, class of transactions or type of account is of primary money laundering concern. The statute also provides similar procedures, including factors to consider and consultation requirements for selecting and imposing special measures.

II. Background on North Korea Sanctions Evasion and Bank of Dandong

A. North Korea's Evasion of Sanctions

North Korea continues to advance its nuclear and ballistic missile programs despite international censure and U.S. and international sanctions. In response to North Korea's continued actions to proliferate weapons of mass destruction (WMDs), the United Nations Security Council (UNSC) has issued a number of United Nations Security Council resolutions (UNSCRs), including 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2371 (2017), and 2375 (2017) that restrict North Korea's financial and operational activities related to its nuclear and ballistic missile programs. Additionally, Executive Orders 13466, 13551, 13570, 13687, 13722, and 13810 have been issued to impose economic sanctions on North Korea pursuant to the International Emergency Economic Powers Act, and the U.S. Department of the Treasury has designated North Korean persons for asset freezes pursuant to other Executive Orders, such as Executive Order 13382, which targets WMD proliferators worldwide.

To further protect the United States from North Korea's illicit financial activity, FinCEN has issued multiple advisories since 2005 detailing its concerns surrounding the deceptive financial practices used by North Korea and North Korean entities and called on U.S. financial institutions to take appropriate risk mitigation measures. Moreover, on November 9, 2016, FinCEN finalized a rule under Section 311 prohibiting the opening or maintaining of correspondent accounts in the United States by covered financial institutions for, or on behalf of, North Korean banks.[2] The final rule also requires U.S. financial institutions to apply additional due diligence measures in order to prevent North Korean financial institutions from gaining improper indirect access to U.S. correspondent accounts. The notice of finding associated with the final rule highlighted North Korea's use of state-controlled financial institutions and

[1] Therefore, references to the authority of the Secretary of the Treasury under Section 311 of the USA PATRIOT Act apply equally to the Director of FinCEN.

[2] 81 FR 78715 (November 9, 2016).

front companies to conduct international financial transactions that, among other things, support the proliferation of its WMD and conventional weapons programs.[3] As explained below, Bank of Dandong facilitates such activity through the U.S. financial system.

B. Bank of Dandong

Established in 1997, Bank of Dandong is a small commercial bank located in Dandong, China that offers domestic and international financial services to both individuals and businesses. According to commercial database research, Bank of Dandong is ranked as the 148th-largest financial institution out of a total of 196 financial institutions in China's banking sector. As discussed further below, FinCEN is concerned that Bank of Dandong serves as a financial conduit between North Korea and the U.S. and international financial systems in violation of U.S. and UN sanctions.

III. FinCEN's Section 311 Rulemaking Regarding Bank of Dandong

A. Finding Regarding Bank of Dandong

In a Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on July 7, 2017, FinCEN found that reasonable grounds exist for concluding that Bank of Dandong is a financial institution of primary money laundering concern pursuant to 31 U.S.C. 5318A.[4]

As described in the NPRM, FinCEN believes that Bank of Dandong serves as a gateway for North Korea to access the U.S. and international financial systems despite U.S. and UN sanctions. Increasing U.S. and international sanctions on North Korea have caused most banks worldwide to sever their ties with North Korean banks, impeding North Korea's ability to gain direct access to the global financial system. As a result, North Korea uses front companies and banks outside North Korea to conduct financial transactions, including transactions in support of its WMD and conventional weapons programs. For example, as of mid-February 2016, North Korea was using bank accounts under false names and conducting financial transactions through banks located in China, Hong Kong, and various Southeast Asian countries. The primary bank in China was Bank of Dandong.

In early 2016, accounts at Bank of Dandong were used to facilitate millions of dollars of transactions on behalf of companies involved in the procurement of ballistic missile technology. This includes facilitating financial activity for North Korean entities designated by the United States and listed by the United Nations (UN) for WMD proliferation, as well as for front companies acting on their behalf.

Bank of Dandong has, for example, facilitated financial activity for Korea Mining Development Trading Corporation (KOMID), a U.S.- and UN-designated entity. As of early 2016, a front company for KOMID maintained multiple bank accounts with Bank of Dandong. The President blocked KOMID by listing it in the Annex of Executive Order 13382 in 2005, and the Office of Foreign Assets Control (OFAC) designated KOMID pursuant to Executive Order 13687 in January 2015 for being North Korea's primary arms dealer and its main exporter of goods and equipment related to ballistic missiles and conventional weapons.

FinCEN is concerned that Bank of Dandong uses the U.S. financial system to facilitate financial activity for Korea Kwangson Banking Corporation (KKBC) and KOMID, as well as other entities connected to North Korea's WMD and ballistic missile programs. KKBC is a U.S.- and UN-designated North Korean bank that has provided financial services in support of WMD proliferators. For example, based on FinCEN's analysis of financial transactional data provided to FinCEN by U.S. financial institutions pursuant to the BSA as well as other information available to the agency, FinCEN assesses that at least 17 percent of Bank of Dandong customer transactions conducted through the Bank of Dandong's U.S. correspondent accounts from May 2012 to May 2015 were conducted by companies that have transacted with, or on behalf of, U.S.- and UN-sanctioned North Korean entities, including designated North Korean financial institutions and WMD proliferators. In addition, U.S. banks have identified a substantial amount of suspicious activity processed by Bank of Dandong, including: (i) Transactions that have no apparent economic, lawful, or business purpose and may be tied to sanctions evasion; (ii) transactions that have a possible North Korean nexus and include activity between unidentified companies and individuals and behavior indicative of shell company activity; and (iii) transactions that include transfers from offshore accounts with apparent shell companies that are domiciled in jurisdictions known for their financial secrecy and banking in another country.

FinCEN is also concerned that, until recently, an entity designated by OFAC for its ties to North Korea's WMD proliferation maintained an ownership stake in Bank of Dandong. Specifically, this entity, Dandong Hongxiang Industrial Development Co. Ltd. (DHID), maintained a minority ownership interest in Bank of Dandong until December 2016. The United States designated DHID in 2016 for acting for, or on behalf of, KKBC. KKBC maintained a direct relationship with Bank of Dandong since approximately 2013. FinCEN believes that DHID's ownership stake in Bank of Dandong allowed DHID to access the U.S. financial system through the bank. Based on FinCEN's analysis of financial transactional data provided to FinCEN by U.S. financial institutions pursuant to the BSA, Bank of Dandong processed approximately $56 million through U.S. banks for DHID between October 2012 and December 2014. Even though DHID may no longer maintain an ownership stake in Bank of Dandong, FinCEN is concerned that the close relationship between the two entities helped establish Bank of Dandong as a prime conduit for North Korean activity.

B. Notice of Proposed Rulemaking

In the NPRM, FinCEN (1) proposed to prohibit covered financial institutions from opening or maintaining a correspondent account in the United States for, or on behalf of, Bank of Dandong; (2) proposed to prohibit covered financial institutions from processing a transaction involving Bank of Dandong through the United States correspondent account of a foreign banking institution; and (3) proposed a requirement for covered financial institutions to apply special due diligence to their foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving Bank of Dandong.[5] The comment period for the NPRM closed on September 5, 2017.

As further described below, FinCEN is adopting the proposal, with one minor definitional change, as a final rule. In so doing, FinCEN has considered public comments and the relevant statutory factors, and has engaged in the required consultations prescribed by 31 U.S.C. 5318A.

C. Subsequent Developments

FinCEN is not aware of any steps taken by Bank of Dandong or its relevant banking regulators to address the money laundering issues of concern at Bank of Dandong that were noted in the NPRM.

[3] 81 FR 35441 (June 2, 2016).

[4] 82 FR 31537 (July 7, 2017).

[5] 82 FR 31543 (July 7, 2017).

D. Consideration of Comments

Following the issuance of the NPRM on July 7, 2017, FinCEN opened a comment period that closed on September 5, 2017. FinCEN received two substantive comments; they are described below, along with FinCEN's response.

1. Comment Purporting To Be From Bank of Dandong

In response to the NPRM, FinCEN received a comment from an anonymous submitter that was signed ''Bank of Dandong.'' Because no further information was provided, FinCEN is unable to confirm whether the comment was, in fact, submitted by Bank of Dandong. The submitter disagreed with FinCEN's determination in the NPRM and stated ''we do not believe that Bank of Dandong is being used to facilitate or promote money laundering, including by entities involved in the proliferation of weapons of mass destruction or missiles.'' The submitter claimed to take FinCEN's ''allegations very seriously,'' and further stated that ''we immediately began to research the relevant facts surrounding the allegations made in the NPRM.'' The submitter stated that it had found, ''during our preliminary review that certain key aspects of the allegations do not match the reality of the situation.'' For these reasons, the submitter requested that FinCEN hold this matter ''in abeyance and not act on the NPRM'' until the ''misunderstanding about our bank and our business have been corrected.''

Regardless of the true identity of the commenter, the comment does not allay FinCEN's concerns about Bank of Dandong. As outlined in the NPRM, FinCEN has a reasonable basis for its concern that Bank of Dandong is being used for money laundering and proliferation financing. Although the submitter has claimed to have conducted a preliminary review that differs from FinCEN's findings in certain key aspects, the submitter has not provided any specific information or documentation regarding the review, or even identified any of the key aspects that it claims to have found to be contrary to the NPRM.

2. Comment From SIFMA

The Securities and Financial Markets Association (SIFMA) submitted a comment that requested several clarifications and modifications to the proposed rulemaking with respect to Bank of Dandong. In particular, SIFMA requested that FinCEN: (1) Identify all known subsidiaries, branches, and offices of Bank of Dandong; (2) modify the proposed rule text to explicitly provide that the reasonable, risk-based procedures apply to identifying branches, offices, and subsidiaries of Bank of Dandong; (3) eliminate the notice provision of the special due diligence requirement; and (4) eliminate a reference to ''agent'' from the definition of ''Bank of Dandong.''

SIFMA requested that FinCEN amend the proposed regulatory text to explicitly provide that the reasonable, risk-based procedures apply to identifying branches, offices, and subsidiaries of Bank of Dandong. FinCEN believes that the current regulatory text is sufficient, as the definition of Bank of Dandong includes the branches, offices, and subsidiaries of Bank of Dandong. While FinCEN does not believe that it is necessary to amend the text of the rule, FinCEN agrees that covered financial institutions should use reasonable, risk-based procedures in identifying branches, offices, and subsidiaries of Bank of Dandong.

SIFMA has requested that FinCEN eliminate the requirement to provide notice to foreign correspondent accounts, arguing that compliance with the requirement would require substantial time and expense involved in providing notice to foreign banks. While providing the required notice does impose a cost on U.S. financial institutions, FinCEN assesses this burden at one hour per institution. Additionally, FinCEN notes that the requirement applies only to those covered financial institutions that know or have reason to believe that their foreign correspondents are transacting with Bank of Dandong. FinCEN does not consider this to be an undue burden. In the NPRM, FinCEN addressed the burden associated with the rule and determined that providing the notice to foreign institutions would not impose a significant additional economic burden upon small U.S. financial institutions. FinCEN believes that the compliance burden associated with the rule is justified by the threat Bank of Dandong poses to the U.S. financial system.

Lastly, SIFMA argues that FinCEN has not previously identified ''agents'' in a special measure currently in effect against a financial institution, and that ''agent'' is a legal term with different meanings, and its intended use in the context of Bank of Dandong is unclear. Additionally, SIFMA argues that it is unclear how financial institutions should interpret this definition, or how an agent would be identified.

In connection with finalizing this rulemaking, and in light of the robust U.S. and international sanctions targeting illicit North Korean activity, FinCEN believes that the prohibitions set forth in the final rule are sufficient to protect the U.S. financial system from the threat posed by Bank of Dandong. In addition, the U.S. Department of the Treasury retains the ability to target any financial institution or others that might aid Bank of Dandong in evading the prohibitions set forth in the final rule. As such, in this final rule, FinCEN has removed ''agents'' from the definition of ''Bank of Dandong.'' Therefore, it is not necessary for FinCEN to address the points that SIFMA has raised with regard to the use of this term. Regarding SIFMA's request that FinCEN provide a list of known subsidiaries, branches, and offices of Bank of Dandong, FinCEN notes that commercially available information listing the known subsidiaries, branches, and offices of Bank of Dandong was provided and posted along with the NPRM for public consideration during the comment period. This information appears as Exhibits 2 and 41 posted on *www.regulations.gov* concerning the Bank of Dandong NPRM.

E. Summary of FinCEN's Ongoing Concerns Regarding Bank of Dandong

After considering comments received from the public, as well as other information available to the agency, including both public and non-public information, FinCEN is issuing this rule imposing a prohibition on U.S. financial institutions from opening or maintaining a correspondent account for, or on behalf of, Bank of Dandong. The information available to FinCEN provides reason to conclude that the money laundering risks posed by Bank of Dandong have not been mitigated, and that Bank of Dandong has not addressed FinCEN's concerns as described in the NPRM. FinCEN thus finds that Bank of Dandong continues to be a financial institution of primary money laundering concern.

IV. Imposition of a Special Measure Against Bank of Dandong as a Financial Institution of Primary Money Laundering Concern

Based upon this finding, FinCEN is authorized to impose one or more special measures. Following the required consultations and the consideration of all relevant factors discussed in the NPRM, FinCEN proposed a prohibition under the fifth special measure.[6]

After the comment period closed, FinCEN considered all of the special

[6] Throughout the rulemaking process, including in the issuance of this final rule, FinCEN has consulted with relevant departments and agencies in accordance with 31 U.S.C. 5318A.

measures, as well as measures short of a prohibition, and has concluded that a prohibition under the fifth special measure is still the appropriate choice. Consistent with the finding that Bank of Dandong is a financial institution of primary money laundering concern, and in consideration of additional relevant factors, this final rule imposes a prohibition on the opening or maintaining of correspondent accounts by covered financial institutions for, or on behalf of, Bank of Dandong. This prohibition will help guard against the money laundering and WMD proliferation finance risks to the U.S. financial system posed by Bank of Dandong, as identified in the NPRM and this final rule.

A. Discussion of Section 311 Factors

In determining which special measure to implement to address the finding that Bank of Dandong is of primary money laundering concern described in the NPRM, FinCEN considered the following factors:

1. Whether Similar Action Has Been or Will Be Taken by Other Nations or Multilateral Groups Against Bank of Dandong

Subsequent to FinCEN's finding on July 7, 2017, the Government of Japan designated Bank of Dandong on July 28, 2017. Additionally, the Government of South Korea issued an advisory on August 28, 2017, warning South Korean firms about the dangers of doing business with Bank of Dandong, and that conducting business with the bank may restrict their access to the U.S. financial system.

Furthermore, FinCEN's action is consistent with steps taken by the international community to address illicit financial activity tied to North Korea. Between 2006 and 2017, the United Nations Security Council has adopted multiple resolutions, 1718,[7] 1874,[8] 2087,[9] 2094,[10] 2270,[11] 2321,[12] 2371,[13] and 2375 [14] which generally restrict North Korea's financial and operational activities related to its nuclear and missile programs and conventional arms sales. In particular, UNSCR 2270, which imposes additional sanctions on North Korea in response to a January 6, 2016 nuclear test and February 7, 2016 launch using ballistic missile technology, contains provisions that generally require nations to: (1) Prohibit North Korean banks from opening branches in their territory or engaging in certain correspondent relationships with these banks; (2) terminate existing representative offices or subsidiaries, branches, and correspondent accounts with North Korean banks; (3) prohibit their financial institutions from opening new representative offices or subsidiaries, branches, or bank accounts in North Korea; and (4) close existing representative offices or subsidiaries, branches, or bank accounts in North Korea if reasonable grounds exist to believe such financial services could contribute to North Korea's nuclear or missile programs, or UNSCR violations.[15] Additionally, UNSCR 2321, unanimously adopted by the UNSC in November 2016, requires, among other things, nations to close existing representative offices or subsidiaries, branches, or bank accounts in North Korea within 90 days, and expel individuals working on behalf of, or at the direction of, a North Korean bank or financial institution.[16] UNSCR 2371, unanimously adopted by the UNSC in August 2017, requires, among other things, nations to prohibit the clearing of funds on behalf of North Korea through their territories.[17] UNSCR 2375, unanimously adopted by the UNSC in September 2017, prohibits, among other things, the opening, maintenance, and operation of all joint ventures or cooperative entities, new and existing, with DPRK entities.[18]

Similarly, the Financial Action Task Force (FATF) has emphasized its concerns regarding the threat posed by North Korea's illicit activities related to the proliferation of WMDs and related financing. Reiterating the UNSCR requirements, the FATF called upon its members and urged all jurisdictions to take the necessary measures to close existing branches, subsidiaries, and representative offices of North Korean banks within their territories and terminate correspondent relationships with North Korean banks, where required by relevant UNSCRs.

Despite these actions, North Korea continues to access the U.S. and international financial systems through front companies and other surreptitious means. It is necessary to protect the U.S. financial system, directly and indirectly, from banks like Bank of Dandong that facilitate such access. Moreover, given the interconnectedness of the global financial system, the potential for Bank of Dandong to access the U.S. financial system indirectly, including through the use of nested correspondent accounts, exposes the U.S. financial system to the risks associated with conducting transactions with entities operating for, or on behalf of, North Korea.

2. Whether the Imposition of the Fifth Special Measure Would Create a Significant Competitive Disadvantage, Including Any Undue Cost or Burden Associated With Compliance, for Financial Institutions Organized or Licensed in the United States

A prohibition under the fifth special measure should not cause a significant competitive disadvantage or place an undue cost or burden on U.S. financial institutions. Pursuant to sanctions administered by OFAC, U.S. financial institutions are currently subject to a range of prohibitions related to financial activity involving North Korea. Accordingly, a prohibition on covered financial institutions from opening or maintaining correspondent accounts for, or on behalf of, a bank that facilitates North Korean financial activity should not create any competitive disadvantage for U.S. financial institutions.

Similarly, the final rule's due diligence obligations should not create any undue costs or burden on U.S. financial institutions. U.S. financial institutions already generally have systems in place to screen transactions in order to identify and report suspicious activity and comply with the sanctions programs administered by OFAC. Institutions can modify these systems to detect transactions involving Bank of Dandong. While there may be some additional burden in conducting due diligence on foreign correspondent account holders and notifying them of the prohibition (as described below), any such burden will likely be minimal, and certainly not undue, given the national security threat posed by Bank of Dandong's facilitation of activity for front companies associated with North Korea, some of which are involved in activities that support the proliferation of WMD or missiles.

[7] *See* United Nations Security Council Resolution (''UNSCR'') 1718 (*http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1718(2006)*).

[8] *See* UNSCR 1874 (*http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1874(2009)*).

[9] *See* UNSCR 2087 (*http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2087(2013)*).

[10] *See* UNSCR 2094 (*http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2094(2013)*).

[11] *See* UNSCR 2270 (*http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2270(2016)*).

[12] *See* UNSCR 2321 (*http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2321(2016)*).

[13] *See* UNSCR 2371 (*http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2371(2017)*).

[14] *See* UNSCR 2375 (*http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2375(2017)*).

[15] *See* UNSCR 2270.

[16] *See* UNSCR 2321.

[17] *See* UNSCR 2371.

[18] *See* UNSCR 2375.

3. The Extent to Which the Action or Timing of the Action Will Have a Significant Adverse Systemic Impact on the International Payment, Clearance, and Settlement System, or on Legitimate Business Activities of Bank of Dandong

Bank of Dandong is a relatively small financial institution in China's banking sector, is not a major participant in the international payment system, and is not relied upon by the international banking community for clearance or settlement services. Therefore, a prohibition under the fifth special measure with respect to Bank of Dandong will not have an adverse systemic impact on the international payment, clearance, and settlement system.

FinCEN also considered the extent to which this action could have an impact on the legitimate business activities of Bank of Dandong and has concluded that the need to protect the U.S. financial system from banks that facilitate North Korea's illicit financial activity strongly outweighs any such impact. Financial transactional data provided to FinCEN by U.S. financial institutions pursuant to the BSA indicates that Bank of Dandong's financial activity conducted through its U.S. correspondent accounts has consisted largely of letters of credit satisfaction, invoice payments, currency exchange activity, and transfers between individuals, which could be indicative of legitimate business activity. Nonetheless, FinCEN assesses that this financial activity also includes transactions conducted by companies that have transacted with, or on behalf of, entities that threaten the national security of the United States.

The NPRM stated that Bank of Dandong maintained euro, Japanese yen, Hong Kong dollar, pound sterling, and Australian dollar correspondent accounts. Subsequent to the publication of the NPRM, commercially available databases indicate that Bank of Dandong may no longer have correspondent accounts in any currency. While these accounts may no longer continue to exist, the fifth special measure would not prevent Bank of Dandong from conducting legitimate business activities in foreign currencies so long as such activity does not involve a correspondent account maintained in the United States.

4. The Effect of the Action on United States National Security and Foreign Policy

Excluding from the U.S. financial system foreign banks that serve as conduits for significant money laundering activity, for the financing of WMDs or their delivery systems, and for other financial crimes, enhances national security by making it more difficult for proliferators and money launderers to access the U.S. financial system. North Korea is a top national security concern, and Bank of Dandong has been used to facilitate financial activity related to North Korean entities designated by the United States and United Nations for their involvement in WMD proliferation. Imposing this rule serves as an additional measure to prevent North Korea from accessing the U.S. financial system and will both support and uphold U.S. national security and foreign policy goals. A prohibition under the fifth special measure will also complement the U.S. Government's worldwide efforts to expose and disrupt international money laundering.

B. Consideration of Alternative Special Measures

Under Section 311, special measures one through four enable FinCEN to impose additional recordkeeping, information collection, and information reporting requirements on covered financial institutions. The fifth special measure enables FinCEN to impose conditions as an alternative to a prohibition on the opening or maintaining of correspondent accounts. FinCEN considered these alternatives to a prohibition under the fifth special measure, but FinCEN believes that a prohibition under the fifth special measure will most effectively safeguard the U.S. financial system from the illicit finance risks posed by Bank of Dandong.

North Korea is subject to numerous U.S. and UN sanctions, and it has also been consistently identified by the Financial Action Task Force for its anti-money laundering deficiencies. Furthermore, FinCEN has issued multiple advisories since 2005 detailing its concerns surrounding the deceptive financial practices used by North Korea and North Korean entities and calling on U.S. financial institutions to take appropriate risk mitigation measures.

Despite these measures, North Korea continues to access the international financial system to support its WMD and conventional weapons programs through its use of aliases, agents, foreign individuals in multiple jurisdictions, and a long-standing network of front companies. Given Bank of Dandong's apparent disregard for numerous international calls to prevent North Korean illicit financial activity, FinCEN does not believe that any condition, additional recordkeeping requirement, or reporting requirement would be an effective measure to safeguard the U.S. financial system. Such measures will not prevent Bank of Dandong from accessing, directly or indirectly, the correspondent accounts of U.S. financial institutions, thus leaving the U.S. financial system vulnerable to processing illicit transfers that pose a national security risk. In addition, no recordkeeping requirement or conditions on correspondent accounts would be sufficient to guard against the risks posed by a bank that processes transactions that are designed to obscure the involvement of North Korea, and are ultimately for the benefit of sanctioned entities. Therefore, a prohibition under the fifth special measure is the only special measure that can adequately protect the U.S. financial system from the illicit finance risks posed by Bank of Dandong.

V. Section-by-Section Analysis for Imposition of a Prohibition Under the Fifth Special Measure

1010.660(a)—Definitions

1. Bank of Dandong

The final rule defines ''Bank of Dandong'' to mean all subsidiaries, branches, and offices of Bank of Dandong Co., Ltd. operating in any jurisdiction.

2. Correspondent Account

The final rule defines ''Correspondent account'' to have the same meaning as the definition contained in 31 CFR 1010.605(c)(1)(ii). In the case of a U.S. depository institution, this broad definition includes most types of banking relationships between a U.S. depository institution and a foreign bank that are established to provide regular services, dealings, and other financial transactions, including a demand deposit, savings deposit, or other transaction or asset account, and a credit account or other extension of credit. FinCEN is using the same definition of ''account'' for purposes of this final rule as was established for depository institutions in the final rule implementing the provisions of Section 312 of the USA PATRIOT Act requiring enhanced due diligence for correspondent accounts maintained for certain foreign banks.[19] Under this definition, ''payable through accounts'' are a type of correspondent account.

In the case of securities broker-dealers, futures commission merchants, introducing brokers-commodities, and investment companies that are open-end companies (''mutual funds''), FinCEN is also using the same definition of

[19] *See* 31 CFR 1010.605(c)(2)(i).

''account'' for purposes of this final rule as was established for these entities in the final rule implementing the provisions of Section 312 of the USA PATRIOT Act requiring enhanced due diligence for correspondent accounts maintained for certain foreign banks.[20]

3. Covered Financial Institution

The final rule defines ''covered financial institution'' with the same definition used in the final rule implementing the provisions of Section 312 of the USA PATRIOT Act, which in general includes the following:

- An insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));
- a commercial bank;
- an agency or branch of a foreign bank in the United States;
- a Federally insured credit union;
- a savings association;
- a corporation acting under section 25A of the Federal Reserve Act (12 U.S.C. 611);
- a trust bank or trust company;
- a broker or dealer in securities;
- a futures commission merchant or an introducing broker-commodities; and
- a mutual fund.

4. Foreign Banking Institution

The final rule defines ''foreign banking institution'' to mean a bank organized under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law. This is consistent with the definition of ''foreign bank'' under 31 CFR 1010.100(u).

5. Subsidiary

The final rule defines ''subsidiary'' to mean a company of which more than 50 percent of the voting stock or analogous equity interest is owned by another company.

1010.660(b)—Prohibition on Accounts and Due Diligence Requirements for Covered Financial Institutions

1. Prohibition on Opening or Maintaining Correspondent Accounts

Section 1010.660(b)(1) and (2) of this final rule prohibits covered financial institutions from opening or maintaining in the United States a correspondent account for, or on behalf of, Bank of Dandong. It also requires covered financial institutions to take reasonable steps not to process a transaction for the correspondent account of a foreign banking institution in the United States if such a transaction involves Bank of Dandong. Such reasonable steps are described in § 1010.660(b)(3), which sets forth the special due diligence requirements a covered financial institution will be required to take when it knows or has reason to believe that a transaction involves Bank of Dandong.

2. Special Due Diligence for Correspondent Accounts

As a corollary to the prohibition set forth in § 1010.660(b)(1) and (2), § 1010.660(b)(3) of the final rule requires covered financial institutions to apply special due diligence to all of their foreign correspondent accounts that is reasonably designed to guard against such accounts being used to process transactions involving Bank of Dandong. As part of that special due diligence, covered financial institutions are required to notify those foreign correspondent account holders that the covered financial institutions know or have reason to believe provide services to Bank of Dandong that such correspondents may not provide Bank of Dandong with access to the correspondent account maintained at the covered financial institution. A covered financial institution may satisfy this notification requirement using the following notice:

> Notice: Pursuant to U.S. regulations issued under Section 311 of the USA PATRIOT Act, see 31 CFR 1010.660, we are prohibited from opening or maintaining in the United States a correspondent account for, or on behalf of, Bank of Dandong. The regulations also require us to notify you that you may not provide Bank of Dandong, including any of its subsidiaries, branches, and offices with access to the correspondent account you hold at our financial institution. If we become aware that the correspondent account you hold at our financial institution has processed any transactions involving Bank of Dandong, including any of its subsidiaries, branches, and offices we will be required to take appropriate steps to prevent such access, including terminating your account.

The purpose of the notice requirement is to aid cooperation with correspondent account holders in preventing transactions involving Bank of Dandong from accessing the U.S. financial system. FinCEN does not require or expect a covered financial institution to obtain a certification from any of its correspondent account holders that access will not be provided to comply with this notice requirement.

Methods of compliance with the notice requirement could include, for example, transmitting a notice by mail, fax, or email. The notice should be transmitted whenever a covered financial institution knows or has reason to believe that a foreign correspondent account holder provides services to Bank of Dandong.

Special due diligence also includes implementing risk-based procedures designed to identify any use of correspondent accounts to process transactions involving Bank of Dandong. A covered financial institution is expected to apply an appropriate screening mechanism to identify a funds transfer order that on its face listed Bank of Dandong as the financial institution of the originator or beneficiary, or otherwise referenced Bank of Dandong in a manner detectable under the financial institution's normal screening mechanisms. An appropriate screening mechanism could be the mechanisms used by a covered financial institution to comply with various legal requirements, such as the commercially available software programs used to comply with the economic sanctions programs administered by OFAC.

3. Recordkeeping and Reporting

Section 1010.660(b)(4) of the final rule clarifies that the rule does not impose any reporting requirement upon any covered financial institution that is not otherwise required by applicable law or regulation. A covered financial institution must, however, document its compliance with the notification requirement described above.

VI. Regulatory Flexibility Act

When an agency issues a final rule, the Regulatory Flexibility Act (''RFA'') requires the agency to ''prepare and make available for public comment an initial regulatory flexibility analysis'' that will ''describe the impact of the final rule on small entities.'' (5 U.S.C. 603(a)). Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the final rule is not expected to have a significant economic impact on a substantial number of small entities.

A. Prohibition on Covered Financial Institutions From Opening or Maintaining Correspondent Accounts With Certain Foreign Banks Under the Fifth Special Measure

1. Estimate of the Number of Small Entities to Whom the Fifth Special Measure Will Apply

For purposes of the RFA, both banks and credit unions are considered small entities if they have less than $550,000,000 in assets.[21] Of the

[20] *See* 31 CFR 1010.605(c)(2)(ii)–(iv).

[21] *Table of Small Business Size Standards Matched to North American Industry Classification System Codes,* Small Business Administration Size

Continued

estimated 5,787 banks, 99 percent of institutions have less than $550,000,000 in assets and are considered small entities.[22] Of the estimated 5,696 credit unions, 91 percent have less than $550,000,000 in assets.[23]

Broker-dealers are defined in 31 CFR 1010.100(h) as those broker-dealers required to register with the Securities and Exchange Commission (SEC). For the purposes of the RFA, FinCEN relies on the SEC's definition of small business as previously submitted to the Small Business Administration (SBA). The SEC has defined the term small entity to mean a broker or dealer that: (1) Had total capital (net worth plus subordinated liabilities) of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to Rule 17a–5(d) or, if not required to file such statements, a broker or dealer that had total capital (net worth plus subordinated debt) of less than $500,000 on the last business day of the preceding fiscal year (or in the time that it has been in business if shorter); and (2) is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this release.[24] Based on SEC estimates, 17 percent of broker-dealers are classified as small entities for purposes of the RFA.[25]

Futures commission merchants (FCMs) are defined in 31 CFR 1010.100(x) as those FCMs that are registered or required to be registered as a FCM with the Commodity Futures Trading Commission (CFTC) under the Commodity Exchange Act (CEA), except persons who register pursuant to section 4f(a)(2) of the CEA, 7 U.S.C. 6f(a)(2). Because FinCEN and the CFTC regulate substantially the same population, for the purposes of the RFA, FinCEN relies on the CFTC's definition of small business as previously submitted to the SBA. In the CFTC's ''Policy Statement and Establishment of Definitions of 'Small Entities' for Purposes of the Regulatory Flexibility Act,'' the CFTC concluded that registered FCMs should not be considered to be small entities for purposes of the RFA.[26] The CFTC's determination in this regard was based, in part, upon the obligation of registered FCMs to meet the capital requirements established by the CFTC.

For purposes of the RFA, an introducing broker-commodities dealer is considered small if it has less than $35,500,000 in gross receipts annually.[27] Based on information provided by the National Futures Association, 95 percent of introducing brokers-commodities dealers have less than $35.5 million in adjusted net capital and are considered to be small entities.

Mutual funds are defined in 31 CFR 1010.100(gg) as those investment companies that are open-end investment companies that are registered or are required to register with the SEC. For the purposes of the RFA, FinCEN relies on the SEC's definition of small business as previously submitted to the SBA. The SEC has defined the term ''small entity'' under the Investment Company Act to mean ''an investment company that, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less as of the end of its most recent fiscal year.'' [28] Based on SEC estimates, seven percent of mutual funds are classified as ''small entities'' for purposes of the RFA under this definition.[29]

As noted above, 99 percent of banks, 91 percent of credit unions, 17 percent of broker-dealers, 95 percent of introducing broker-commodities dealers, no FCMs, and seven percent of mutual funds are small entities.

2. Description of the Projected Reporting and Recordkeeping Requirements of the Fifth Special Measure

The prohibition under the fifth special measure could require covered financial institutions to provide a notification intended to aid cooperation from foreign correspondent account holders in preventing transactions involving Bank of Dandong from being processed by the U.S. financial system. FinCEN estimates that the burden on institutions providing this notice is one hour.

Covered financial institutions are also required to take reasonable measures to detect use of their correspondent accounts to process transactions involving Bank of Dandong. All U.S. persons, including U.S. financial institutions, currently must comply with OFAC sanctions, and U.S. financial institutions have suspicious activity reporting requirements. The systems that U.S. financial institutions have in place to comply with these requirements can easily be modified to adapt to this final rule. Thus, the special due diligence that is required under the final rule—*i.e.,* preventing the processing of transactions involving Bank of Dandong and the transmittal of notice to certain correspondent account holders—does not impose a significant additional economic burden upon small U.S. financial institutions.

B. Certification

For these reasons, FinCEN certifies that this final rulemaking should not have a significant impact on a substantial number of small businesses.

VII. Paperwork Reduction Act

The collection of information contained in this rule is being submitted to the Office of Management and Budget (OMB) for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), and has been assigned OMB Control Number 1506–0072. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

A. Information Collection Under the Fifth Special Measure

The notification requirement in § 1010.660(b)(3)(i)(A) is intended to aid cooperation from correspondent account holders in denying Bank of Dandong access to the U.S. financial system. The information required to be maintained by § 1010.660(b)(4)(i) will be used by federal agencies and certain self-regulatory organizations to verify compliance by covered financial institutions with the provisions of 31 CFR 1010.660. The collection of information is mandatory.

Description of Affected Financial Institutions: Banks, broker-dealers in securities, futures commission merchants and introducing brokers-commodities, money services businesses, and mutual funds.

Estimated Number of Affected Financial Institutions: 5,787.

Estimated Average Annual Burden in Hours per Affected Financial Institution: The estimated average burden associated with the collection of information in this rule is one hour per affected financial institution.

Estimated Total Annual Burden: 5,787 hours.

Standards (SBA Feb. 26, 2016) [hereinafter ''*SBA Size Standards*'']. (*https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf*).

[22] Federal Deposit Insurance Corporation, *Find an Institution, http://www5.fdic.gov/idasp/advSearchLanding.asp;select* Status Dates Financials: Total Assets, *type* Equal or less than $: ''550000,000'' and *select* Find.

[23] National Credit Union Administration, *Credit Union Data, http://webapps.ncua.gov/customquery/; select* Search Fields: Total Assets, *select* Operator: Less than or equal to, *type* Field Values: ''550000000'' and *select* Go.

[24] 17 CFR 240.0–10(c).

[25] 76 FR 37572, 37602 (June 27, 2011) (the SEC estimates 871 small broker-dealers of the 5,063 total registered broker-dealers).

[26] 47 FR 18618, 18619 (Apr. 30, 1982).

[27] SBA Size Standards at 28.

[28] 17 CFR 270.0–10.

[29] 78 FR 23637, 23658 (April 19, 2013).

VIII. Executive Order 12866

Executive Orders 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. It has been determined that this rule is not a ''significant regulatory action'' for purposes of Executive Order 12866.

List of Subjects in 31 CFR Part 1010

Administrative practice and procedure, Banks and banking, Brokers, Counter-money laundering, Counter-terrorism, Foreign banking.

Authority and Issuance

For the reasons set forth in the preamble, part 1010, chapter X of title 31 of the Code of Federal Regulations, is amended as follows:

PART 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 is revised to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5332; Title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 701, Pub. L. 114–74, 129 Stat. 599.

■ 2. Add § 1010.660 to read as follows:

§ 1010.660 Special measures against Bank of Dandong.

(a) *Definitions.* For purposes of this section:

(1) *Bank of Dandong* means all subsidiaries, branches, and offices of Bank of Dandong Co., Ltd. operating in any jurisdiction.

(2) *Correspondent account* has the same meaning as provided in § 1010.605(c)(1)(ii).

(3) *Covered financial institution* has the same meaning as provided in § 1010.605(e)(1).

(4) *Foreign banking institution* means a bank organized under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

(5) *Subsidiary* means a company of which more than 50 percent of the voting stock or analogous equity interest is owned by another company.

(b) *Prohibition on accounts and due diligence requirements for covered financial institutions*—(1) *Opening or maintaining correspondent accounts for Bank of Dandong.* A covered financial institution shall not open or maintain in the United States a correspondent account for, or on behalf of, Bank of Dandong.

(2) *Prohibition on use of correspondent accounts involving Bank of Dandong.* A covered financial institution shall take reasonable steps not to process a transaction for the correspondent account of a foreign banking institution in the United States if such a transaction involves Bank of Dandong.

(3) *Special due diligence of correspondent accounts to prohibit use.* (i) A covered financial institution shall apply special due diligence to its foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving Bank of Dandong. At a minimum, that special due diligence must include:

(A) Notifying those foreign correspondent account holders that the covered financial institution knows or has reason to believe provide services to Bank of Dandong that such correspondents may not provide Bank of Dandong with access to the correspondent account maintained at the covered financial institution; and

(B) Taking reasonable steps to identify any use of its foreign correspondent accounts by Bank of Dandong, to the extent that such use can be determined from transactional records maintained in the covered financial institution's normal course of business.

(ii) A covered financial institution shall take a risk-based approach when deciding what, if any, other due diligence measures it reasonably must adopt to guard against the use of its foreign correspondent accounts to process transactions involving Bank of Dandong.

(iii) A covered financial institution that knows or has reason to believe that a foreign bank's correspondent account has been or is being used to process transactions involving Bank of Dandong shall take all appropriate steps to further investigate and prevent such access, including the notification of its correspondent account holder under paragraph (b)(3)(i)(A) of this section and, where necessary, termination of the correspondent account.

(4) *Recordkeeping and reporting.* (i) A covered financial institution is required to document its compliance with the notice requirement set forth in paragraph (b)(3)(i)(A) of this section.

(ii) Nothing in this paragraph (b) shall require a covered financial institution to report any information not otherwise required to be reported by law or regulation.

Dated: November 2, 2017.

Jamal El-Hindi,

Acting Director, Financial Crimes Enforcement Network.

[FR Doc. 2017–24238 Filed 11–7–17; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2017–0972]

Special Local Regulations; Key West World Championship, Atlantic Ocean, Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Key West World Championship Special Local Regulation from 9:30 a.m. until 4:30 p.m. on November 8, 10, and 12, 2017. This action is necessary to ensure safety of life on navigable waters of the United States and to protect race participants, participant vessels, spectators, and the general public from the hazards associated with high-speed boat races. During the enforcement period, and in accordance with previously issued special local regulations, no person or vessel may enter, transit through, anchor in, or remain within the regulated area without permission from the Captain of the Port Key West or a designated representative.

DATES: The regulations in 33 CFR 100.701 will be enforced for the location listed in item (c)(9) in the Table to 33 CFR 100.701 from 9:30 a.m. until 4:30 p.m. on November 8, 10, and 12, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email Lieutenant Scott Ledee, Sector Key West Waterways Management Department, Coast Guard; telephone (305) 292–8768, email *Scott.G.Ledee@uscg.mil.*

SUPPLEMENTARY INFORMATION: On November 8, 10, and 12, 2017, Super Boat International Productions, Inc. is hosting the Key West World Championship, a series of high-speed boat races. The Coast Guard will enforce the special local regulation for the annual Key West World Championship Super Boat Race in 33 CFR 100.701,

table item (c)(9) from 9:30 a.m. until 4:30 p.m. on November 8, 10, 11, and 12, 2017.

Under the provisions of 33 CFR 100.701, no unauthorized person or vessel may enter, transit through, anchor within, or remain in the established regulated areas unless permission to enter has been granted by the Captain of the Port Key West or designated representative. This action is to provide enforcement action of regulated area that will encompass portions of the waters of the Atlantic Ocean located southwest of Key West, Florida. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice of enforcement is issued under authority of 33 CFR 100.701 and 5 U.S.C. 552(a). The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives. If the Captain of the Port Key West determines that the regulated area need not be enforced for the full duration stated in this publication, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: November 2, 2017.

Jeffrey A. Janszen,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2017–24291 Filed 11–7–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0976]

RIN 1625–AA09

Drawbridge Operation Regulation; Lake Washington, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the Evergreen Point Floating Bridge (SR–520 Floating Bridge) across Lake Washington, mile 4.3, at Seattle, WA. The drawbridge was replaced with a fixed bridge in 2016, and the operating regulation is no longer applicable or necessary. The SR–520 Floating Bridge was rebuilt, and the center span was built with a fixed span that replaced the draw.

DATES: This rule is effective November 8, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0976. In the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this final 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 notice and comment procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) because the Evergreen Point Floating Bridge (SR–520 Floating Bridge), that once required draw operations in 33 CFR 117.1049, was removed from Lake Washington and replaced with a fixed bridge in 2016. Therefore, the regulation is no longer applicable and needs to be removed. It is unnecessary to publish a NPRM because drawbridge regulations are only used for bridges that have an operational span that is intended to be opened for the passage of waterway traffic. The Evergreen Point Floating Bridge identified in 33 CFR 117.1049 no longer exists and has been replaced by a bridge without an operational span.

For the same reasons stated in the preceding paragraph, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge at issue no longer has an operational span and therefore has no need of a drawbridge regulation. The removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Evergreen Point Floating Bridge (SR–520 Floating Bridge) was removed and replaced with a fixed bridge in 2016. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation (33 CFR 117.1049) that pertains to the former drawbridge. The purpose of this rule is to remove the section of 33 CFR 117.1049 that refers to the Evergreen Point Floating Bridge at mile 4.3 from the Code of Federal Regulations, because the bridge at that location is no longer has an operational span.

IV. Discussion of Final Rule

The Coast Guard is changing the regulation in 33 CFR 117.1049 by removing restrictions and the regulatory burden related to the draw operations for this bridge that is no longer a drawbridge. The change removes the regulation governing the Evergreen Point Floating Bridge since the bridge has been replaced with a fixed bridge. This final rule will update the Code of Federal Regulations by removing language that governs the operation of the Evergreen Point Floating Bridge, which in fact is no longer a drawbridge. This change does not affect waterway or land traffic.

V. Regulatory Analyses

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

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, it 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. *See* OMB's Memorandum ''Guidance Implementing Executive Order 13771, Titled 'Reducing

Regulation and Controlling Regulatory Costs''' (April 5, 2017).

As previously explained, the Evergreen Point Floating Bridge was removed from Lake Washington and replaced with a fixed bridge in 2016 and no longer operates as a drawbridge. The removal of the operating schedule from 33 CFR part 117, subpart B, will have no effect on the movement of waterway or land traffic, but will serve to remove an outdated and obsolete provision from the CFR.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 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.

For the reasons stated in section IV.A above this final rule would 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**, above.

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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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.

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 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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32) (e), of the Instruction.

A Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

§ 117.1049 [Removed]

■ 2. Remove § 117.1049.

David G. Throop,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2017–24292 Filed 11–7–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0982]

RIN 1625–AA00

Safety Zone; Mamala Bay, Oahu, HI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: On October 10, 2017, the commercial fishing vessel PACIFIC PARADISE ran aground off of the navigable waters of Mamala Bay approximately 400 yards southwest of Kaimana Beach, Oahu, Hawaii. The Coast Guard established a temporary safety zone around the grounded vessel to facilitate vessel salvage operations and on October 18, 2017, the safety zone was extended for two additional weeks. To date, the vessel remains grounded. Accordingly, effective November 1, 2017, the Coast Guard extends the safety zone for an additional thirty days to facilitate ongoing salvage and subsequent removal operations. The extension of this safety zone is necessary to protect personnel, vessels and the marine environmental from potential hazards associated with ongoing operations to salvage and remove a grounded vessel in this area. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Honolulu.

DATES: This rule is effective without actual notice from November 8, 2017

until 8:00 a.m. on December 1, 2017. For the purposes of enforcement, actual notice will be used from 8:00 a.m. on November 1, 2017 until November 8, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0982 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander John Bannon, Waterways Management Division, U.S. Coast Guard Sector Honolulu at (808) 541–4359 or *john.e.bannon@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
TFR Temporary final rule
U.S.C. United States Code

II. Background Information and Regulatory History

On October 10, 2017, the fishing vessel PACIFIC PARADISE ran aground off of the navigable waters of Mamala Bay approximately 400 yards southwest of Kaimana Beach, Oahu, Hawaii at position 21°15.69′ N.; 157°49.49′ W. On October 11, 2017, the Coast Guard established a seven day temporary safety zone encompassing all waters extending 500 yards in all directions around the grounded vessel to facilitate vessel salvage operations and protect personnel, vessels and the marine environment from the hazards associated with them. Due to the emergent nature of the grounding and subsequent removal operations, the temporary final rule (TFR) safety zone was not initially published in the **Federal Register**. On October 18, 2017, the safety zone was extended for two additional weeks to account for delays in salvage operations due to ocean and weather conditions. The safety zone extension was published in the **Federal Register** (82 FR 49111) on October 24, 2017. Ongoing challenges with the salvage efforts necessitate a second extension, this for thirty days, of the safety zone.

The safety zone continues to encompass all waters extending 500 yards in all directions around the grounded fishing vessel located approximately 400 yards southwest of Kaimana Beach at position 21°15.69′ N.; 157°49.49′ W. When the vessel is off the reef, the safety zone will shift to a moving safety zone extending 500 yards in all directions around the vessel and continue until the removal operation is complete.

The Coast Guard is extending the existing safety zone without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the initial estimate to salvage the vessel from the grounding was estimated at one week or less. Immediate action remains needed to respond to the safety hazards associated with this fishing vessel salvage effort for an estimated additional thirty days. Therefore, publishing an NPRM is impracticable and contrary to public interest.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. For the same reasons stated in the preceding paragraph, delaying the effective period of this safety zone would be impracticable and contrary to the public interest.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule pursuant to 33 U.S.C. 1231. On October 10, 2017, the Coast Guard was informed the commercial fishing vessel PACIFIC PARADISE ran aground in Mamala Bay, Oahu, Hawaii, near Waikiki's Kaimana Beach. Coast Guard COTP Sector Honolulu determined that potential hazards associated with the salvage and removal operations constituted a safety concern and thus established a safety zone to protect personnel, vessels, and the marine environment during ongoing operations to remove the grounded vessel from a reef in high winds and seas followed by the towing and disposal of the disabled vessel.

IV. Discussion of the Rule

This rule is effective from 8:00 a.m. on November 1, 2017 through 8:00 a.m. on December 1, 2017, or until salvage operations are complete, whichever is earlier. If the safety zone is terminated prior to 8:00 a.m. on December 1, 2017, the Coast Guard will provide notice via a broadcast notice to mariners.

The temporary safety zone encompasses all waters extending 500 yards in all directions around the location of the grounded vessel 400 yards southwest of Kaimana Beach near position: 21°15.69′ N.; 157°49.49′ W. This zone extends from the surface of the water to the ocean floor. The safety zone is currently stationary around the grounded vessel. When the vessel is removed from the reef, the safety zone will shift to a moving safety zone and remain so until the tow and disposal operation is complete. The zone shall continue to encompass 500 yards in all directions around the commercial fishing vessel. When the vessel is off the reef and removal operations commence, the Coast Guard will provide notice via a broadcast notice to mariners. No vessel or person will be permitted to enter the safety zone absent the express authorization of the COTP Honolulu or his designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone away from the reef or during the salvage tow, which would impact only a small designated area of the waters off Kaimana Beach and Waikiki where vessel traffic is normally low. Closer to shore, the waterway is used primarily for beach recreation activities. Offshore of the beach, waterway traffic is primarily tourism related operations which will not be affected by the tow due to the

open space in the area. Moreover, vessels wishing to enter the zone may seek permission as set forth below.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. The safety zone is limited in size and duration, and the location of the grounded vessel is not in an actively used navigable waterway. Once the vessel is free from the reef, the tow evolution will not impact existing waterway users. Furthermore, mariners may request to enter the zone by contacting the COTP.

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.

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 a safety zone extension for duration of thirty additional days, or until the salvage operation is suspended. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165— REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T14–0982 to read as follows:

§ 165.T14–0982 Safety Zone; Mamala Bay, Oahu, HI.

(a) *Location.* The safety zone is located within the COTP Honolulu Zone (See 33 CFR 3.70–10) and will encompass all navigable waters extending 500 yards in all directions from the fishing vessel PACIFIC PARADISE, which is grounded on a reef approximately 400 yards southwest of Kaimana Beach at position: 21°15.69′ N.; 157°49.49′ W. Once the commercial fishing vessel PACIFIC PARADISE is removed from the reef, the safety zone will become a moving safety zone extending 500 yards in all directions from the vessel to facilitate the towing and disposal of the vessel. The safety zone will be enforced and throughout the salvage, transit and removal operations within Mamala Bay, Keehi Lagoon, or Honolulu Harbor. This zone extends from the surface of the water to the ocean floor.

(b) *Enforcement period.* This rule is effective from 8:00 a.m. on November 1, 2017 through 8:00 a.m. on December 1, 2017, or until salvage recovery operations are complete, whichever is earlier. If the safety zone is terminated

prior to 8:00 a.m. on December 1, 2017, the Coast Guard will provide notice via a broadcast notice to mariners.

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply to the safety zone created by this temporary final rule.

(1) All persons are required to comply with the general regulations governing safety zones found in this part.

(2) Entry into or remaining in this zone is prohibited unless expressly authorized by the COTP Honolulu or his designated representative.

(3) Persons desiring to transit the stationary or moving safety zone identified in paragraph (a) of this section may contact the COTP at the Command Center telephone number (808) 842–2600 and (808) 842–2601, fax (808) 842–2642 or on VHF channel 16 (156.8 Mhz) to seek permission to transit the zone. If permission is granted, all persons and vessels must comply with the instructions of the COTP Honolulu or his designated representative and proceed at the minimum speed necessary to maintain a safe course while in the zone.

(4) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(d) *Notice of enforcement.* The COTP will provide notice of enforcement of the safety zone described in this section via verbal broadcasts and written notice to mariners and the general public.

(e) *Definitions.* As used in this section, ''designated representative'' means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the COTP to assist in enforcing the safety zone described in paragraph (a) of this section.

Dated: November 2, 2017.

M.C. Long,

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

[FR Doc. 2017–24290 Filed 11–7–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AP83

Ecclesiastical Endorsing Organizations

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its medical regulations by establishing in regulation the eligibility requirements that ecclesiastical endorsing organizations must meet in order to provide ecclesiastical endorsements of individuals seeking employment as VA chaplains, or of individuals who are seeking to be engaged by VA under contract or appointed as on-facility fee basis VA chaplains under the United States Code. VA considers veterans' spiritual care an integral part of their overall health care. As such, VA is committed to providing qualified VA chaplains to address the veterans' spiritual needs by engaging chaplains that are ecclesiastically endorsed. Ecclesiastical endorsement certifies that the individual is qualified to perform all the religious sacraments, rites, rituals, ceremonies and ordinances needed by members of a particular faith.

DATES: This final rule is effective December 8, 2017.

FOR FURTHER INFORMATION CONTACT: John Batten, Program Analyst, National Chaplain Center, Veterans Health Administration, Department of Veterans Affairs Medical Center, 100 Emancipation Dr., Hampton, VA 23667; (757) 728–7062 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on January 5, 2017, VA proposed to establish in its medical regulations the eligibility requirements that ecclesiastical endorsing organizations must meet in order to provide ecclesiastical endorsements of individuals seeking employment as VA chaplains or of individuals who are seeking to be engaged by VA under contract or appointed as on-facility fee basis VA chaplains under 38 U.S.C. 7405. See 82 FR 1288. VA provided a 60-day comment period, which ended on March 6, 2017. We received two comments on the proposed rule. Under 38 CFR 17.33, VA must make available to each patient the opportunity for religious worship. The VA National Chaplain Service was established on August 1, 1945, to provide veterans the opportunity for such worship and other forms of spiritual care. VA employs chaplains in accordance with 5 CFR 213.3102(a) to provide for the spiritual component of health care in accordance to the spiritual needs of veterans. VA may employ chaplains in temporary appointments, on an on-facility fee basis appointment under 38 U.S.C. 7405, and may engage chaplains under contract. By requiring that chaplains be ecclesiastically endorsed, VA ensures that chaplains are qualified to perform the rites, rituals, or ceremonies that are unique to each faith. Before the year 2000, VA did not have a process in place to address endorsement of chaplains and relied on criteria established by the Department of Defense's (DoD) Armed Forces Chaplain Board (AFCB) at DoD Instruction 1304.28. Under this criteria, an individual cannot serve as chaplain unless he or she is endorsed by an ecclesiastical endorsing organization. The purpose is to ensure that the chaplain is recognized as an individual who is authorized by that organization to perform pastoral duties. The ecclesiastical endorsing organization must submit a request to VA to designate an ecclesiastical endorser. This request provides VA with the information on the ecclesiastical endorsing organization and identifies the individual whom the organization designates as the official authorized to sign ecclesiastical endorsements. VA reviews the information provided and approves the request.

Before the year 2000, VA accepted endorsements from ecclesiastical endorsing organizations recognized by DoD to perform this function as a means of avoiding duplication of effort on VA's part and because such organizations would be better able to address veterans' needs, having provided for the veterans' spiritual care while on active duty. In 1998, VA determined that it needed to establish its own policy on accepting ecclesiastical endorsements. The rationale was that there might be organizations that would endorse members seeking to work for VA, but would not permit their members to work as military chaplains, either for theological or other reasons. VA has been successfully implementing since the year 2000, via internal policy, the eligibility requirements that ecclesiastical endorsing organizations must meet to endorse individuals who are seeking employment as VA chaplains or of individuals who are seeking to be engaged by VA under contract or appointed as on-facility fee basis VA chaplains under 38 U.S.C. 7405.[1] However, VA subsequently determined a formal rulemaking is prudent in order to make the process transparent as well as safeguard VA from the appearance of favoritism of an ecclesiastical endorsing organization over another. We are establishing this process in 38 CFR 17.655.

One commenter stated that the proposed rule appears to favor one faith

[1] Ecclesiastical Endorsing Organizations, VHA Handbook 1111.01 and VHA related policy VHA Directive 1111, Spiritual and Pastoral Care, which incorporates by specific reference the terms of VHA HB 1111.01.

over another citing that the Oxford dictionary defines the term ''ecclesiastical'' as ''relating to the Christian Church.'' However, the proposed rule's definition of ecclesiastical endorsement and ecclesiastical endorsing organization expanded the commonly defined term ''ecclesiastical'' to include all other faith groups. By defining these terms, VA is not favoring ecclesiastical endorsing organizations of the Christian faith; rather, it is including all faith groups. We are not making any edits to the rule based on this comment.

The two commenters stated that VA should expend its resources on the health care of the veteran rather than their spiritual care. VA believes that a veteran's overall health care includes spiritual care. Chaplains are an integral part of the VA patient care team. Chaplains safeguard a veteran's right for religious worship, as well as safeguard the veterans who do not wish to have religion imposed on them. It is always a veteran's choice to receive or decline pastoral care. As stated in the proposed rule, patients' rights (for residents and inpatients) include the opportunity for religious worship under § 17.33(b)(7). Also, VA does not fund an ecclesiastical endorsing organization. This rule merely seeks to establish via regulation a point of contact within an ecclesiastical endorsing organization in order to verify if an individual who is seeking employment as VA chaplains or who is seeking to be engaged by VA under contract or appointed as on-facility fee basis VA chaplains under 38 U.S.C. 7405 is qualified to perform all of the religious rites, rituals, ceremonies, and ordinances needed by members of a particular faith. We are not making any edits to the rule based on this comment.

Proposed paragraph (d)(2) stated that an ecclesiastical endorsing organization must submit ''A copy of an Internal Revenue Service document verifying that the organization currently holds a section 501(c)(3) exempt status (Reference (i)).'' However, section 501(c)(3) of the Internal Revenue Code does not contain any ''references.'' See 26 U.S.C. 501. We are amending proposed paragraph (d)(2) by eliminating the term ''(Reference (i)).'' This edit does not change the meaning of paragraph (d)(2) as proposed.

Based on the rationale set forth in the Supplementary Information to the proposed rule and in this final rule, VA is adopting the proposed rule with the edit discussed.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507) requires that VA consider the impact of paperwork and other information collection burdens imposed on the public. Under 44 U.S.C. 3507(a), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number. See also 5 CFR 1320.8(b)(2)(vi).

This final rule contains the following new information collection requirements. Section 17.655 contains a collection of information under the Paperwork Reduction Act of 1995. VA was previously collecting this information under OMB control number 2900–0610, which expired on September 2, 2008. Paragraph (d) in § 17.655 states the documentation that an ecclesiastical endorsing organization needs to submit in order for VA to accept ecclesiastical endorsements of individuals of such organization. The information is needed to establish the eligibility requirements that an ecclesiastical endorsing organization must meet in order to provide ecclesiastical endorsements of an individual who is seeking employment as a VA chaplain or who is seeking to be engaged by VA under contract or appointed as on-facility fee basis VA chaplains under 38 U.S.C. 7405. VA has collected this information in the past through internal policy and guidance.[2] As required by 44 U.S.C. 3507(d), VA submitted this information collection to OMB for its review. OMB approved these new information collection requirements associated with the final rule and assigned OMB control number 2900–0852.

[2] Ecclesiastical Endorsing Organizations, VHA Handbook 1111.01 and VHA related policy VHA Directive 1111, Spiritual and Pastoral Care, which incorporates by specific reference the terms of VHA HB 1111.01.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule will impose no burden on small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking would be exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined to be a significant regulatory action under Executive Order 12866 because it is likely to result in a rule that may raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. VA's impact analysis can be found as a

supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

Unfunded Mandates

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

Catalog of Federal Domestic Assistance

There are no Catalog of Federal Domestic Assistance numbers and titles for this rule.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Health professions, Veterans.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on August 31, 2017, for publication.

Dated: November 3, 2017.

Janet Coleman,

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

For the reasons set out in the preamble, VA is amending 38 CFR part 17 as follows:

PART 17—MEDICAL

■ 1. The authority citation for part 17 is revised to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

Section 17.38 also issued under 38 U.S.C. 101, 501, 1701, 1705, 1710, 1710A, 1721, 1722, 1782, and 1786.

Section 17.169 also issued under 38 U.S.C. 1712C.

Sections 17.380 and 17.412 are also issued under sec. 260, Public Law 114–223, 130 Stat. 857.

Section 17.410 is also issued under 38 U.S.C. 1787.

Section 17.415 is also issued under 38 U.S.C. 7301, 7304, 7402, and 7403.

Sections 17.640 and 17.647 are also issued under sec. 4, Public Law 114–2, 129 Stat. 30.

Sections 17.641 through 17.646 are also issued under 38 U.S.C. 501(a) and sec. 4, Public Law 114–2, 129 Stat. 30.

Section 17.655 also issued under 38 U.S.C. 501(a), 7304, 7405.

■ 2. Add an undesignated center heading and § 17.655 to read as follows:

Chaplain Services

§ 17.655 Ecclesiastical endorsing organizations.

(a) *Purpose.* This section establishes the eligibility requirements that an ecclesiastical endorsing organization must meet in order to provide ecclesiastical endorsements of individuals who are seeking employment as VA chaplains or seeking to be engaged by VA under contract or appointed as on-facility fee basis VA chaplains under 38 U.S.C. 7405. Acceptance of an ecclesiastical endorsement by VA does not imply any approval by VA of the theology or practices of an ecclesiastical endorsing organization, nor does it obligate VA to employ the endorsed individual or any other member of the organization.

(b) *Definitions.* The following definitions apply to this section:

(1) *Ecclesiastical endorsement* means a written statement addressed to VA and signed by the designated endorsing official of an ecclesiastical endorsing organization certifying that an individual is in good standing with the faith group or denomination and, in the opinion of the endorsing official, is qualified to perform the full range of ministry, including all sacraments, rites, ordinances, rituals, and liturgies required by members of the faith group. Ecclesiastical endorsement is a condition of employment as a VA chaplain. An individual must obtain and maintain a full and active ecclesiastical endorsement to be employed as a VA chaplain.

(2) *Ecclesiastical endorsing official* means an individual who is authorized to provide or withdraw ecclesiastical endorsements on behalf of an ecclesiastical endorsing organization.

(3) *Ecclesiastical endorsing organization* means an organization that meets the eligibility requirements of paragraph (c) of this section and has been properly designated as an endorsing organization in accordance with paragraph (e) of this section.

(c) *Eligibility to serve as an ecclesiastical endorsing organization.* An ecclesiastical endorsing organization must meet the following requirements before such organization can endorse an applicant for VA chaplaincy:

(1) Be organized and function exclusively or substantially to provide religious ministries to a lay constituency and possess authority to both grant and withdraw initial and subsequent ecclesiastical endorsements;

(2) Have tax-exempt status as a religious organization or church under the Internal Revenue Code, section 501(c)(3);

(3) Agree to abide by all Federal and VA laws, regulations, policies, and issuances on the qualification and endorsement of persons for service as VA chaplains;

(4) Agree to notify VA in writing of any withdrawal of an existing ecclesiastical endorsement within ten days after the date of such withdrawal;

(5) Provide VA the documents stated in paragraph (d) of this section;

(6) Notify VA in writing within 30 days of any change of the name, address or contact information of the individual that it designates as its ecclesiastical endorsing official; and

(7) An ecclesiastical endorsing organization that is part of an endorsing organization by which its members can be endorsed cannot become a separate endorsing organization without the written permission of the larger endorsing organization.

(d) *Request to designate ecclesiastical endorser.* In order for an ecclesiastical endorsing organization to be recognized by VA such organization must submit the following:

(1) A complete VA form that requests the designation of an ecclesiastical endorsing official;

(2) A copy of an Internal Revenue Service document verifying that the organization currently holds a section 501(c)(3) exempt status as a church for Federal tax purposes from the Internal Revenue Service (IRS) (note ''church'' is used by the IRS not to denote a belief system, but to distinguish ''churches'' from other types of religious organizations; see IRS Instructions for Form 1023 Schedule A). Such rules stipulate that the particular religious beliefs of the organization are truly and sincerely held and that the practices and rituals associated with the organization's religious belief or creed are not illegal or contrary to clearly defined public policy. In order to determine whether a particular religious organization has properly acquired, and currently maintains, an IRS tax exempt status and does not engage in practices that are illegal or contrary to defined public policy, VA shall take appropriate

steps to verify compliance with these requirements;

(3) A document verifying that the organization shall provide chaplains who shall function in a pluralistic environment, and who shall support directly and indirectly the free exercise of religion by all veterans, their family members, and other persons authorized to be served by VA;

(4) That it agrees to abide by all VA Directives, Instructions, and other guidance, regulations and policies on the qualification and endorsement of ministers for service as VA chaplains;

(5) Documentation that states the structure of the organization, including copies of the articles of incorporation, by-laws and constitution, membership requirements of the organization, if any, the religious beliefs and practices of the organization, and the organization's requirements to become clergy; and

(6) The name and address of the individual who is applying to become a VA chaplain.

(e) *Approval of request to designate an ecclesiastical endorsing official.* If an ecclesiastical endorsing organization meets the requirements of paragraph (c) of this section and has submitted the documents stated in paragraph (d) of this section, VA will notify the organization in writing that such organization has been designated as an ecclesiastical endorsing organization. The designation will be for a period of 3 years from the date of notification. Once an organization is designated as an ecclesiastical endorsing organization, VA will accept ecclesiastical endorsements from that organization without requiring any further documentation from the organization during the 3 year period, unless VA receives evidence that an organization no longer meets the requirements of this section. VA will only take action on an initial request to designate an ecclesiastical endorsing official when VA receives an application from an individual who is seeking employment as a VA chaplain or is seeking to be engaged under VA contract or appointed as on-facility fee basis VA chaplains under 38 U.S.C. 7405.

(f) *Reporting requirement.* (1) To certify that VA chaplains continue to be endorsed by an ecclesiastical endorsing organization, such organization must provide VA an alphabetical listing of individuals who are endorsed by that endorsing organization and are employed as VA chaplains or are engaged by VA under contract or appointed as on-facility fee basis VA chaplains under 38 U.S.C. 7405 by January 1 of every calendar year.

(2) In order for VA to continue to recognize an ecclesiastical endorsing organization, such organization must provide written documentation that it continues to meet the requirements of this section every 3 years.

(g) *Rescission of ecclesiastical endorsing organization.* VA may rescind an organization's status as an ecclesiastical endorsing organization and refuse to accept ecclesiastical endorsements from such organization if it no longer meets the requirements of paragraph (c) of this section. VA will take the following steps before it rescinds the organization's status:

(1) VA will give the ecclesiastical endorsing organization written notice stating the reasons for the rescission and give the organization 60 days to provide a written reply addressing VA's concerns.

(2) VA will notify the ecclesiastical endorsing organization and all VA chaplains endorsed by the organization in writing of its decision after VA reviews the evidence provided by the organization or after the 60 day time period has expired, whichever comes first.

(3) Ecclesiastical endorsing organizations that are notified that they may no longer endorse individuals for VA chaplaincy because they do not meet the requirements of paragraph (c) of this section must resubmit all of the evidence stated in paragraph (d) of this section in order to be reconsidered as an endorsing organization.

(4) If an ecclesiastical endorsing organization is no longer able to endorse individuals for VA chaplaincy in accordance with this section, all ecclesiastical endorsements issued by that organization are considered to be withdrawn.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0852.)

[FR Doc. 2017–24320 Filed 11–7–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 4, 9, 17, 22, 42, and 52

[FAC 2005–96; FAR Case 2017–015; Docket No. 2017–0002; Sequence No. 1]

RIN 9000–AN52

Federal Acquisition Regulation; Removal of Fair Pay and Safe Workplaces Rule Republication

Editorial Note: Rule document 2017–23590 originally published on pages 51527 through 51531 in the issue of Monday, November 6, 2017, with an extraneous web address inadvertently inserted. The corrected document is published here in its entirety.

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a public law that disapproved the final rule, Fair Pay and Safe Workplaces (FAR Case 2014–025), and an Executive Order (E.O.) dated March 27, 2017, that rescinded the prior Executive orders authorizing that rule.

DATES:

Effective date: November 6, 2017.

Applicability dates: See section I.F of the Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at 202–969–7207 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2005–96, FAR Case 2017–015.

SUPPLEMENTARY INFORMATION:

I. Background

A. The FAR Rule Implementing E.O. 13673

FAR Case 2014–025 implemented E.O. 13673, Fair Pay and Safe Workplaces, dated July 31, 2014 (79 FR 45309, August 5, 2014), amended by section 3 of E.O. 13683, dated December 11, 2014 (79 FR 75041, December 16, 2014) and E.O. 13738, dated August 23, 2016 (81 FR 58807, August 26, 2016).

The FAR Case final rule was published in the **Federal Register** on August 25, 2016, at 81 FR 58562. It was to be effective on October 25, 2016.

Certain aspects of the rule were to be phased in. For example, the clause at FAR 52.222–60, Paycheck Transparency (Executive Order 13673), was to be inserted in solicitations starting January 1, 2017, if the estimated value of the resultant contract was to exceed $500,000.

The Department of Labor (DOL) published ''Guidance for Executive Order 13673, 'Fair Pay and Safe Workplaces' '' on the same day as the FAR final rule was published (81 FR 58653).

B. Injunction and Federal Acquisition Regulatory Council Memorandum

On October 7, 2016, the Associated Builders and Contractors of Southeast Texas, Inc., the Associated Builders and Contractors, Inc., and the National Association of Security Companies filed a lawsuit in the United States District Court for the Eastern District of Texas (Civil Action No. 1:16–CV–425) seeking to overturn the final rule. On October 13, 2016, the plaintiffs filed an ''Emergency Motion for Temporary Restraining Order and Preliminary Injunction.''

On October 24, 2016, the District Court issued a ''Memorandum and Order Granting Preliminary Injunction.'' The Court Order (on page 31) stated: ''Defendants are enjoined [from] implementing any portion of the FAR Rule or the DOL Guidance relating to the new reporting and disclosure requirements regarding labor law violations as described in E.O. 13673 and implemented in the FAR Rule and DOL Guidance. Further, Defendants are enjoined from enforcing the restriction on arbitration agreements.''

The Court Order did not enjoin the Paycheck Transparency clause, FAR 52.222–60. Starting January 1, 2017, this clause was prescribed for solicitations if the estimated value of the resultant contract would exceed $500,000.

On October 25, 2016, the Federal Acquisition Regulatory Council issued a memorandum to the Chief Acquisition Officers, Senior Procurement Executives, Defense Acquisition Regulations Council, and Civilian Agency Acquisition Council directing that all steps necessary be taken to ensure that the enjoined sections, provisions, and clauses of the final rule would not be implemented until such time as the injunction is terminated. The Council enumerated specific steps to be taken at a minimum, including the following:

1. Ensure that new solicitations do not include representations or clauses that the enjoined coverage of the rule would have required—*i.e.,* the representation at FAR 52.222–57 and its commercial items version at paragraph (s) of 52.212–3, 52.222–58 and 52.222–59, which would have directed disclosure of labor law violation decisions by offerors or contractors, and 52.222–61, which would have required an offeror or contractor to agree to restrict the use of mandatory pre-dispute arbitration agreements.

2. If a solicitation had been issued with representations or clauses listed in the previous paragraph 1, amend those solicitations immediately to remove those representations and clauses. Additionally, agencies were directed not to take any action on information, if any, submitted in response to those representations and clauses.

3. Ensure that contracting officers do not implement the procedures in FAR 22.2004–2, 22.2004–3, 22.2004–4, or associated changes in FAR parts 9 and 42.

The FAR Council requested that agencies share these instructions widely among their workforces and posted the Memorandum online. Also, the DOL re-posted the Memorandum at the top of its then-existing information page on the Fair Pay and Safe Workplaces E.O.

In further compliance with the terms of the Court Order, as explained by the FAR Council in its October 25, 2016 Memorandum, GSA's Integrated Award Environment immediately ceased all actions to release the changes for the System for Award Management (SAM) that would have supported bidder and contractor submission of information on labor law violation decisions, as well as the changes that would have supported public disclosure of this information in the Federal Awardee Performance and Integrity Information System (FAPIIS).

C. FAR Rule Implementing the Injunction

As an additional step to ensure full awareness of, and compliance with, the Court Order, DoD, GSA, and NASA, on behalf of the FAR Council, took a more comprehensive administrative action to amend the August 25, 2016, final rule to include caveats throughout the rule for each section, provision, and clause that was enjoined by the terms of the Court Order. On December 16, 2016, the rule implementing the injunction was published as a final rule (81 FR 91636).

The Court Order did not enjoin implementation of the coverage on paycheck transparency; therefore, the December 16, 2016, amendments did not impact this aspect of the rule. Starting January 1, 2017, this clause was prescribed for solicitations if the estimated value of the resultant contract was to exceed $500,000.

D. H.J. Res. 37 (Pub. L. 115–11)

In March 2017, under the Congressional Review Act (5 U.S.C. chapter 8), Congress passed House Joint Resolution 37 (Pub. L. 115–11), which stated the following:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation (published at 81 FR 58562 (August 25, 2016)), and such rule shall have no force or effect.

On March 27, 2017, House Joint Resolution 37 was signed into law and became Public Law 115–11.

Under 5 U.S.C. 801(b)(1), a rule shall not take effect or continue if the Congress enacts a joint resolution of disapproval, described under 5 U.S.C. 802. Under 5 U.S.C. 801(f), any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

Congress disapproved the entire FAR rule that was published on August 25, 2016.

As a result, the rule being published today removes that entire rule including the amendments published on December 16, 2016.

By statute, the rule shall be treated as if it had never taken effect. Only FAR 52.222–60, Paycheck Transparency (Executive Order 13673), had gone into effect; it was authorized to be included in solicitations starting on January 1, 2017, and may have been included in recently awarded contracts. This and all other Fair Pay and Safe Workplaces provisions and clauses are unenforceable. See the Applicability paragraph under Dates at the beginning of this preamble for instructions to contracting officers on removal of the clause.

E. Executive Order 13782

On March 27, 2017, the same date on which H.J. Res 37 was signed, President Trump signed E.O. 13782 (82 FR 15607, March 30, 2017). This E.O. revoked E.O. 13673, section 3 of E.O. 13683, and E.O. 13738, which were the authority for the Fair Pay and Safe Workplaces rule. E.O. 13782 also directed reconsideration of existing rules, regulations, guidance, guidelines, or policies implementing or enforcing E.O. 13673, section 3 of E.O. 13683, and E.O. 13738. The rule published today also implements E.O. 13782.

Public Law 115–11 and E.O. 13782 did not specifically address the DOL Guidance. However, that Guidance has no legal effect in the absence of the FAR rule. Accordingly, the DOL is

publishing its own notice rescinding the DOL Guidance pursuant to Public Law 115–11 and E.O. 13782.

F. Applicability

This rule applies to solicitations issued and contracts awarded before, on, or after October 25, 2016—*i.e.,* the effective date of the final FAR rule published in the **Federal Register** at 81 FR 58562 on August 25, 2016. All clauses identified in the final FAR rule are unenforceable by law and considered to have never taken effect, even if they were included in a contract. Contracting officers are directed to modify, to the maximum extent practicable, existing contracts to remove any solicitation provisions and contract clauses related to the Fair Pay and Safe Workplaces rule because they are unenforceable by law. Since the FAR 52.222–60 clause, Paycheck Transparency (Executive Order 13673), had gone into effect, starting on January 1, 2017, that clause will need to be removed if it was included. Other provisions, *i.e.,* paragraph(s) of FAR 52.212–3, 52.222–57, 52.222–58, 52.222–59, and 52.222–61, had been enjoined by a Court order prior to their effective date and should not have been incorporated into contracts.

II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The rule being removed (FAR Case 2014–025) was a significant regulatory action and, therefore, was subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. It was a major rule under 5 U.S.C. 804. This rule being published today is a significant regulatory action and, therefore, was subject to review under Section 6(b) of E.O. 12866; it has been determined to be a major rule under 5 U.S.C. 804. This rule removes a prior rule that had been considered a major rule.

The Regulatory Impact Analysis (RIA) that included a detailed discussion and explanation about the assumptions and methodology used to estimate the cost of the final rule under FAR Case 2014–025 is available at *https://www.regulations.gov* as a supporting document under FAR–2014–0025–0933. Exhibit 8 of the RIA presented a summary of the first-year, second-year, and annualized quantifiable costs of implementing the disclosure and paycheck transparency requirements of the final rule to contractors and subcontractors, as well as the estimated Government costs. The chart below shows the total monetized cost in the first and second year, and annualized costs with a 3 and 7 percent discount to contractors and the Government.

	Monetized year 1 costs	Monetized year 2 costs	Annualized costs, 3% discounting	Annualized costs, 7% discounting
Total employer costs	$458,352,949	$413,733,272	$398,541,816	$400,939,861
Government costs	15,772,150	10,129,299	10,944,157	11,091,474
Total	474,075,099	423,862,572	409,535,973	412,031,335

Most of the 2016 final rule's provisions were preliminarily enjoined before compliance would have been required. (In addition, on March 27, 2017, under E.O. 13782, the President rescinded E.O. 13673, the Order that served as the underpinning of the rule. On the same day, the President signed the Joint Resolution that Congress passed under the Congressional Review Act disapproving the final rule.) Therefore, if the impacts of this final rule are assessed relative to current (and anticipated future) practice, the resulting impacts are negligible. If, on the other hand, this final rule's effects are assessed relative to a baseline in which regulated entities comply with the 2016 final rule, the costs summarized in the preceding table (minus the relatively small portion that may already have been incurred as entities prepared to comply with the regulatory provisions that were not enjoined) would be eliminated as a result of this rulemaking's removal of the 2016 final rule.

III. Executive Order 13771

Consistent with E.O. 13771 (82 FR 9339, February 3, 2017), Reducing Regulation and Controlling Regulatory Costs, and the Office of Management and Budget (OMB) guidance on implementing E.O. 13771 (April 5, 2017), the annualized cost savings of $412 million (with a 7 percent discount rate) associated with this final rule have been estimated, as shown in section II, above. (Of particular relevance is the statement in OMB's guidance that costs associated with ''regulatory actions overturned by subsequently enacted laws. . . such as disapprovals of rules under the Congressional Review Act'' qualify as cost savings under E.O. 13771.) This rulemaking constitutes a deregulatory action under E.O. 13771.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant FAR revision within the meaning of FAR 1.501–1, and 41 U.S.C. 1707 does not require publication for public comment. However, the rule reduces the burden on small entities as it rescinds the August 25, 2016, Fair Pay and Safe Workplaces (FAR Case 2014–025), major rule.

V. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) applies to this rule, because this rule removes information collection requirements currently cleared by the Office of Management and Budget (OMB) under OMB clearance 9000–0195, Fair Pay and Safe Workplaces. The final rule, published August 25, 2016, contained the following summary table of the annual estimated cost to the public of the reporting burden:

TABLE 3—SUMMARY OF TABLE 1 ANNUAL ESTIMATED TOTAL COST TO THE PUBLIC OF REPORTING BURDEN

Number of respondents	24,183
Responses per respondent	17.3
Total annual responses	417,808
Hours per response	5.19
Total hours	2,166,815
Rate per hour (average)	$61.43
Total annual cost to public	$133,109,793

The requirements that would impose these burden hours are now removed from the FAR and OMB clearance 9000–0195 has been discontinued.

List of Subjects in 48 CFR Parts 1, 4, 9, 17, 22, 42, and 52

Government procurement.

Dated: October 11, 2017.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Therefore DoD, GSA, and NASA amend 48 CFR parts 1, 4, 9, 17, 22, 42, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 4, 9, 17, 22, 42, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.106 [Amended]

■ 2. Amend section 1.106, by removing FAR segments ''52.222–57'', ''52.222–58'', ''52.222–59'' and ''52.222–60'' and their corresponding OMB Control Number ''9000–0195'', and the Note to 1.106.

PART 4—ADMINISTRATIVE MATTERS

4.1202 [Amended]

■ 3. Amend section 4.1202 by removing paragraph (a)(22), and Note to paragraph (a)(22), and redesignating paragraphs (a)(23) through (34) as paragraphs (a)(22) through (33), respectively.

PART 9—CONTRACTOR QUALIFICATIONS

9.104–4 [Amended]

■ 4. Amend section 9.104–4 by removing paragraph (b), and Note to paragraph (b), and redesignating paragraph (c) as paragraph (b).

9.104–5 [Amended]

■ 5. Amend section 9.104–5 by removing paragraph (d), and Note to paragraph (d), and redesignating paragraph (e) as paragraph (d).

■ 6. Amend section 9.104–6 by—

■ a. Revising paragraph (b)(4), and removing Note to paragraph (b)(4); and

■ b. Removing paragraph (b)(6), and Note to paragraph (b)(6).

The revision reads as follows:

9.104–6 Federal Awardee Performance and Integrity Information System.

* * * * *

(b) * * *

(4) Since FAPIIS may contain information on any of the offeror's previous contracts and information covering a five-year period, some of that information may not be relevant to a determination of present responsibility, *e.g.,* a prior administrative action such as debarment or suspension that has expired or otherwise been resolved, or information relating to contracts for completely different products or services.

* * * * *

9.105–1 [Amended]

■ 7. Amend section 9.105–1 by removing paragraph (b)(4), and Note to paragraph (b)(4).

9.105–3 [Amended]

■ 8. Amend section 9.105–3 by removing from paragraph (a) ''9.105–2(b)(2)(iii) and''.

PART 17—SPECIAL CONTRACTING METHODS

17.207 [Amended]

■ 9. Amend section 17.207 by—

■ a. Removing from paragraph (c)(6) ''considered;'' and adding ''considered; and'' in its place;

■ b. Removing from paragraph (c)(7) ''ratings; and'' and adding ''ratings.'' in its place; and

■ c. Removing paragraph (c)(8), and Note to paragraph (c)(8).

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 10. Revise section 22.000 to read as follows:

22.0 Scope of part.

This part—

(a) Deals with general policies regarding contractor labor relations as they pertain to the acquisition process;

(b) Prescribes contracting policy and procedures for implementing pertinent labor laws; and

(c) Prescribes contract clauses with respect to each pertinent labor law.

■ 11. Amend section 22.102–2 by—

■ a. Revising the section heading and paragraph (c)(1); and

■ b. Removing paragraph (c)(3), and Note to paragraph (c)(3).

The revision reads as follows:

22.102–2 Administration.

* * * * *

(c)(1) The U.S. Department of Labor is responsible for the administration and enforcement of the Occupational Safety and Health Act. The Department of Labor's Wage and Hour Division is responsible for administration and enforcement of numerous wage and hour statutes including—

(i) 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction);

(ii) 40 U.S.C. chapter 37, Contract Work Hours and Safety Standards;

(iii) The Copeland Act (18 U.S.C. 874 and 40 U.S.C. 3145);

(iv) 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000;

(v) 41 U.S.C. chapter 67, Service Contract Labor Standards.

* * * * *

22.104 [Removed]

■ 12. Remove section 22.104.

Subpart 22.20 [Removed and Reserved]

■ 13. Remove and reserve Subpart 22.20.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

42.1502 [Amended]

■ 14. Amend section 42.1502 by removing paragraph (j), and Note to paragraph (j).

42.1503 [Amended]

■ 15. Amend section 42.1503 by—

■ a. Removing from paragraph (a)(1)(i) ''agency labor compliance advisor (ALCA) office (see subpart 22.20), '' and removing Note to paragraph (a)(1)(i);

■ b. Removing from paragraph (a)(1)(ii) ''ALCA,'' and removing Note to paragraph (a)(1)(ii); and

■ c. Removing paragraph (h)(5), and Note to paragraph (h)(5) introductory text.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 16. Amend section 52.204–8 by—

■ a. Revising the date of the provision;

■ b. Removing paragraph (c)(1)(xvi), and Note to Paragraph (c)(1)(xvi); and

■ c. Redesignating paragraphs (c)(1)(xvii) through (xxv) as (c)(1)(xvi) through (xxiv), respectively.

The revision reads as follows:

52.204–8 Annual Representations and Certifications.

* * * * *

Annual Representations and Certifications (NOV 2017)

* * * * *

■ 17. Amend section 52.212–3 by—

■ a. Revising the date of the provision;

■ b. Removing from paragraph (a), the following definitions ''Administrative merits determination'', ''Arbitral award or decision'', ''Civil judgment'', ''DOL Guidance'', ''Enforcement agency'',

''Labor compliance agreement'', Labor laws'', and ''Labor law decision'';
■ c. Removing Note to paragraph (a); and
■ d. Removing and reserving paragraph (s), and removing the Note to paragraph (s).

The revision reads as follows:

52.212–3 Offeror Representations and Certifications— Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (NOV 2017)

* * * * *

■ 18. Amend section 52.212–5 by—
■ a. Revising the date of the clause;
■ b. Removing paragraphs (b)(35), Note to paragraph (b)(35), and (b)(36), and redesignating paragraphs (b)(37) through (61) as (b)(35) through (59), respectively;
■ c. Removing paragraphs (e)(1)(xvii), Note to paragraph (e)(1)(xvii), and (e)(1)(xviii), and redesignating paragraphs (e)(1)(xix) through (xxii) as (e)(1)(xvii) through (xxi), respectively; and
■ d. Amending Alternate II by—
■ i. Revising the date of the Alternate; and
■ ii. Removing paragraphs (e)(1)(ii)(P), Note to paragraph (e)(1)(ii)(P), and (e)(1)(ii)(Q) of Alternate II, and redesignating paragraphs (e)(1)(ii)(R) through (U) as (e)(1)(ii)(P) through (S), respectively.

The revisions read as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (NOV 2017)

* * * * *

Alternate II (NOV 2017). * * *

* * * * *

■ 19. Amend section 52.213–4 by revising the date of the clause and paragraph (a)(2)(viii) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (NOV 2017)

* * * * *

(a) * * *

(2) * * *

(viii) 52.244–6, Subcontracts for Commercial Items (NOV 2017)

* * * * *

52.222–57 through 52.222–61 [Removed and Reserved]

■ 20. Remove and reserve sections 52.222–57 through 52.222–61.
■ 21. Amend section 52.244–6 by—
■ a. Revising the date of the clause; and
■ b. Removing paragraphs (c)(1)(xiv), Note to paragraph (c)(1)(xiv), and (c)(1)(xv), and redesignating paragraphs (c)(1)(xvi) through (xx) as (c)(1)(xiv) through (xviii), respectively.

The revision reads as follows:

52.244–6 Subcontracts for Commercial Items.

* * * * *

Subcontracts for Commercial Items (NOV 2017)

* * * * *

[FR Doc. 2017–23590 Filed: 11/3/2017 8:45 am; Publication Date: 11/6/2017]

Editorial Note: Rule document 2017–23590 originally published on pages 51527 through 51531 in the issue of Monday, November 6, 2017, with an extraneous Web address inadvertently inserted. The corrected document is published here in its entirety.

[FR Doc. R1–2017–23590 Filed 11–7–17; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 141107936–5399–02]

RIN 0648–XF810

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2017 Commercial Accountability Measure and Closure for South Atlantic Gray Triggerfish; July Through December Season

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures for commercial gray triggerfish in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects commercial landings for gray triggerfish will reach the commercial annual catch limit (ACL) (commercial quota) for the period of July through December by October 29, 2017. Therefore, NMFS is closing the commercial sector for gray triggerfish in the South Atlantic EEZ on November 8, 2017. This closure is necessary to protect the gray triggerfish resource.

DATES: This rule is effective 12:01 a.m., local time, November 8, 2017, until January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes gray triggerfish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council 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.

The final rule implementing Amendment 29 to the FMP (80 FR 30947, June 1, 2015) divided the commercial ACL (commercial quota) for gray triggerfish in the South Atlantic into two 6-month commercial fishing seasons and allocated 50 percent of the total commercial quota of 312,324 lb (141,668 kg), round weight, to each of the January 1 through June 30 and July 1 through December 31 fishing seasons, as specified in 50 CFR 622.190(a)(8). As a result, the commercial quota is divided into two equal seasonal quotas of 156,162 lb (70,834 kg), round weight.

The 2017 July through December quota includes 20,278 lb (9,198 kg), round weight, that was not harvested during the 2017 January through June fishing season. In accordance with 50 CFR 622.190(a)(8)(iii), the unused portion of the 2017 January through June quota was added to the 2017 July through December quota, for an adjusted commercial quota of 176,440 lb (80,032 kg), round weight.

Under 50 CFR 622.193(q)(1)(i), NMFS is required to close the commercial sector for gray triggerfish when the commercial quota specified in § 622.190(a)(8)(i) or (ii) 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 that the adjusted commercial quota for South Atlantic gray triggerfish will be reached by October 29, 2017. Accordingly, the commercial sector for South Atlantic gray triggerfish is closed effective 12:01 a.m., local time, November 8, 2017, until the start of the next commercial fishing season on January 1, 2018.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having gray triggerfish onboard must have landed

and bartered, traded, or sold such gray triggerfish prior to 12:01 a.m., local time, November 8, 2017. During the closure, the bag limit specified in 50 CFR 622.187(b)(8), and the possession limits specified in 50 CFR 622.187(c), apply to all harvest or possession of gray triggerfish in or from the South Atlantic EEZ. Also, during the closure, the sale or purchase of gray triggerfish taken from the South Atlantic EEZ is prohibited. The prohibition on the sale or purchase does not apply to gray triggerfish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, November 8, 2017, and were held in cold storage by a dealer or processor.

For a person onboard a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the bag and possession limits and sale and purchase prohibitions applicable after the commercial quota closure for gray triggerfish apply regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.193(q)(1)(i).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of gray triggerfish and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(q)(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 NOAA Assistant Administrator for Fisheries (AA), finds that the need to immediately implement this action to close the commercial sector for gray triggerfish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 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 Amendment 29, which established the split commercial seasons and quotas for gray triggerfish, and the accountability measures have already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect gray triggerfish since 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: November 3, 2017.

Emily Menashes,

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

[FR Doc. 2017–24311 Filed 11–3–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 161017970–6999–02]

RIN 0648–XF806

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of Maine is transferring a portion of its 2017 commercial summer flounder quota to the State of Connecticut. This quota adjustment is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial quotas for Maine and Connecticut.

DATES: Effective November 7, 2017, through December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Cynthia Hanson, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102, and the initial 2017 allocations were published on December 22, 2016 (81 FR 93842).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i)(A) through (C) in the evaluation of requests for quota transfers or combinations.

Maine is transferring 2,500 lb (1,134 kg) of summer flounder commercial quota to Connecticut. This transfer was requested by state officials in Connecticut to ensure their commercial summer flounder quota is not exceeded. The revised summer flounder quotas for calendar year 2017 are now: Maine, 192 lb (87 kg); and Connecticut, 130,234 lb (59,073 kg); based on the initial quotas published in the 2017 Summer Flounder, Scup, and Black Sea Bass Specifications and subsequent transfers.

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: November 3, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–24321 Filed 11–7–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170919911–7911–01]

RIN 0648–XF710

Revisions to Framework Adjustment 56 to the Northeast Multispecies Fishery Management Plan

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

ACTION: Final rule; adjustment to specifications.

SUMMARY: We are adjusting the 2017 fishing year Georges Bank cod allocation for the common pool and making minor corrections to the 2017 sector carryover and annual catch entitlement. This action is necessary to respond to a 2016 overage of the Georges Bank cod allocation for the common pool fishery and correct an error in the carryover and annual catch entitlement available to sectors in 2017. These adjustments are routine and formulaic and are intended to ensure that final allocations are based on the best scientific information available.

DATES: Effective November 8, 2017, through April 30, 2018.

FOR FURTHER INFORMATION CONTACT: Emily Keiley, Fishery Management Specialist, (978) 281–9116.

SUPPLEMENTARY INFORMATION: We recently approved Framework Adjustment 56 to the Northeast Multispecies Fishery Management Plan (FMP), which set annual catch limits (ACLs) for groundfish stocks and three jointly managed U.S./Canada stocks for the 2017 fishing year. This action became effective on August 1, 2017 (82 FR 16133). The possibility of minor adjustments and corrections was noted in the Framework 56 proposed and final rules because final allocations are not always available at the time of the rulemaking for the upcoming fishing year. This action revises the Georges Bank (GB) cod common pool sub-ACL due to a 2016 overage as required by regulation and corrects an error in the 2017 sector carryover and annual catch entitlement (ACE) included in the Framework 56 final rule.

Georges Bank Cod Common Pool Sub-Annual Catch Limit

If the common pool sub-ACL for any stock is exceeded, we are required to reduce the common pool sub-ACL by the amount of the overage in the next fishing year. The fishing year 2016 common pool sub-ACL for GB cod was exceeded by 2.8 mt. Therefore, this action reduces the fishing year 2017 GB cod common pool sub-ACL by 2.8 mt resulting in a sub-ACL of 7.0 mt. The revised trimester total allowable catches (TACs), based on the overage deduction, are provided in Table 1.

TABLE 1—INITIAL AND REVISED GEORGES BANK COD TRIMESTER TACS

	Trimester 1	Trimester 2	Trimester 3
Allocation Percentage	25%	37%	38%
Initial Trimester TAC	2.4 mt	3.6 mt	3.7 mt
Revised Trimester TAC	1.7 mt	2.6 mt	2.7 mt

Correction to Sector Carryover

The Framework 56 final rule included the amount of allocation that sectors may carry over from the 2016 to the 2017 fishing year based on the final 2016 sector catch. An error was made when calculating the *de minimis* amount of GB haddock carryover and the total Eastern GB haddock ACE available to sectors in 2017. The corrected Eastern GB haddock ACE available to sectors in 2017 and the revised *de minimis* carryover ACE for GB haddock are provided in Tables 2 and 3. These adjustments are minor, increase available catch, will not affect fishery operations, and have already been provided to sectors.

TABLE 2—COMPARISON OF DE MINIMIS GB HADDOCK CARRYOVER ACE FROM FISHING YEAR 2016 TO FISHING YEAR 2017 (lb) PUBLISHED IN FRAMEWORK 56 AND THE CORRECTED VALUES

Sector	Framework 56 Table 14	Revised
Fixed Gear Sector	60,981	73,563
MCCS [1]	2,679	2,679
NCCS [1]	3,379	4,076
NEFS 1	0	0
NEFS 2	102,574	123,738
NEFS 3	486	586
NEFS 4	51,454	62,071
NEFS 5	7,843	9,461
NEFS 6	28,146	33,953
NEFS 7	13,006	15,690
NEFS 8	57,191	68,991
NEFS 9	108,123	130,432
NEFS 10	1,583	1,910
NEFS 11	358	432
NEFS 12	904	1,091
NEFS 13	193,422	233,331
Sustainable Harvest Sector 1	24,260	29,265
Sustainable Harvest Sector 2	3863	4,659
Sustainable Harvest Sector 3	287,713	347,077
Sectors Total	947,965	1,143,005

[1] Maine Coast Community Sector (MCCS), Northeast Coastal Community Sector (NCCS).

TABLE 3—COMPARISON OF TOTAL EASTERN GB HADDOCK ACE AVAILABLE TO SECTORS IN FISHING YEAR 2017 WITH FINALIZED CARRYOVER (mt AND 1,000 lb) PUBLISHED IN FRAMEWORK 56 AND AS REVISED

Sector	Total ACE available to sectors in fishing year 2017 with finalized carryover			
	(mt)		(1,000 lb)	
	Framework 56 Table 15	Revised	Framework 56 Table 16	Revised
Fixed Gear Sector	1,300	1,871	2,866	4,124
MCCS	197	283	434	625
Maine Permit Bank	9	13	20	29
NCCS	72	104	159	228
NEFS 1	0	0	0	0
NEFS 2	2,187	3,147	4,821	6,937
NEFS 3	10	15	23	33
NEFS 4	1,097	1,578	2,418	3,480
NEFS 5	167	241	369	530
NEFS 6	600	863	1,323	1,903
NEFS 7	277	399	611	880
NEFS 8	1,219	1,754	2,688	3,868
NEFS 9	2,305	3,317	5,081	7,312
NEFS 10	34	49	74	107
NEFS 11	8	11	17	24
NEFS 12	19	28	42	61
NEFS 13	4,123	5,934	9,090	13,081
New Hampshire Permit Bank	0	0	0	0
Sustainable Harvest Sector 1	517	744	1,140	1,641
Sustainable Harvest Sector 2	82	118	182	261
Sustainable Harvest Sector 3	6,133	8,826	13,522	19,458
Sectors Total	20,375	29,295	44,880	64,583

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

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

Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause to waive prior public notice and opportunity for public comment on the catch limit and allocation adjustments because allowing time for notice and comment is impracticable, unnecessary, and contrary to the public interest. We also find good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective upon publication.

There are several reasons that notice and comment are impracticable, unnecessary, and contrary to the public interest. The proposed and final rules for Framework 56 explained the possibility of minor adjustments and corrections because final allocations are not always available at the time of the rulemaking for the upcoming fishing year. These adjustments are routine and formulaic, required by regulation, and necessary to ensure that overfishing does not occur. Because these adjustments are part of the annual allocation process, and are highlighted in the proposed and final rules for the upcoming fishing year, industry anticipates an annual adjustment rule. No comments were received on the potential for these adjustments, which provide an accurate accounting of a sector and common pool allocations. Additionally, the adjustments in this rule are based on either a pre-determined accountability measure, and are not subject to NMFS' discretion, or a need to correct an error, so there would be no benefit to allowing time for prior notice and comment. Data regarding final 2016 catch only became available after publication of the Framework 56 final rule.

If this rule is not effective immediately, common pool and sector vessels will be operating under incorrect information on the catch limits for each stock. The adjustment of the common pool GB cod TAC requires immediate action to ensure that additional overages do not occur. TAC overages have negative economic impacts, as well as increasing the risk of overfishing. Fishermen may make both short- and long-term business decisions based on the catch limits in a given sector or the common pool. Any delays in adjusting these limits may cause the affected fishing entities to slow down or speed up their fishing activities during the interim period before this rule becomes effective. Both of these reactions could negatively affect the fishery and the businesses and communities that depend on them. Therefore, it is important to implement adjusted catch limits and allocations as soon as possible. For these reasons, we are waiving the public comment period and delay in effectiveness for this rule, pursuant to 5 U.S.C. 553(b)(3)(B) and (d), respectively.

The Chief Counsel for Regulation, Department of Commerce, previously certified to the Chief Counsel for Advocacy of the Small Business Administration at the proposed rule stage that Framework 56 would not have a significant economic impact on a substantial number of small entities. These minor adjustments will not change the conclusions drawn from that framework. Because advanced notice and the opportunity for public comment are not required for the correction under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* do not apply to this rule. Therefore, no new regulatory flexibility analysis is required and none has been prepared.

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

Dated: November 3, 2017.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2017–24346 Filed 11–7–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 215
Wednesday, November 8, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0288; Product Identifier 2017–CE–007–AD]

RIN 2120–AA64

Airworthiness Directives; Textron Aviation Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposal for all Textron Aviation Inc. Models A36TC and B36TC airplanes. This action revises the notice of proposed rulemaking (NPRM) by adding all Textron Aviation Inc. Models S35, V35, V35A, and V35B airplanes that have the optional turbocharger engine installed to the applicability and adding an annual visual inspection of the exhaust tailpipe v-band coupling (clamp). We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, we are reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on April 12, 2017 (82 FR 17594), is reopened.

We must receive comments on this SNPRM by December 26, 2017.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0288; 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 SNPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Thomas Teplik, Aerospace Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4196; fax: (316) 946–4107; email: *thomas.teplik@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0288; Product Identifier 2017–CE–007–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM because of those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to Textron Aviation Inc. (Textron) Models A36TC and B36TC airplanes. The NPRM published in the **Federal Register** on April 12, 2017 (82 FR 17594). The NPRM was prompted by a fatal accident where the exhaust tailpipe fell off during takeoff. The NPRM proposed to add a life limit to the exhaust tailpipe v-band coupling (clamp) and, if the coupling is removed for any reason before the life limit is reached, require an inspection of the v-band coupling before reinstalling.

Actions Since the NPRM Was Issued

Since we issued the NPRM, we received information that Textron Models S35, V35, V35A, and V35B airplanes could have a turbocharged reciprocating engine installed, either at manufacture as an optional installation or post-manufacture as a supplemental type certificate (STC) installation. Either engine installation would include installation of an affected v-band coupling. We also received comments to the NPRM requesting an annual visual inspection of the v-band couplings and requesting language changes to address the replacement of the engine with a non-turbocharged engine.

Comments

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

Request Repetitive Visual Inspections of the V-Band Coupling

The National Transportation Safety Board (NTSB) requested we add repetitive visual inspections of the v-band coupling. The NTSB noted that the FAA included repetitive visual inspections of the v-band coupling in a previous AD affecting Piper Aircraft Inc. airplanes. They believe a similar repetitive visual inspection of the v-band coupling for the airplanes affected by this proposed AD, in addition to the proposed life limit, would help identify the cracks before failure.

We agree with the comment, and we have added a repetitive visual inspection of the v-band coupling to this SNPRM.

Request To Remove Airplanes Without a Turbocharged Engine From the Applicability

Gerard Terpstra requested we exclude Model A36TC airplanes that have STC

SA3523NM installed from the applicability of the AD. This STC removes the turbocharged engine and replaces it with a turbine engine, which does not include a v-band coupling affected by the proposed AD. Therefore, it would be impossible to comply with the AD.

We agree with this comment, and we have modified the Applicability, paragraph (c), to only apply to airplanes with engine installations with a turbocharger that include exhaust tailpipe v-band couplings affected by this SNPRM.

In Favor of the AD

Thomas P. Turner of the American Bonanza Society Air Safety Foundation responded in favor of the proposed AD action.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require repetitive visual inspections of the exhaust tailpipe v-band coupling and add a life limit to the exhaust tailpipe v-band coupling (clamp).

Costs of Compliance

We estimate that this proposed AD affects 731 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visual inspection of the exhaust tailpipe v-band coupling (Installed).	.5 work-hour × $85 per hour = $42.50 ..	Not applicable	$42.50	$31,067.50
Replacement of the exhaust tailpipe v-band coupling.	2 work-hours × $85 per hour = $170	$300	470	343,570

We estimate the following costs to do any necessary inspection that would require removal and reinstallation of the exhaust tailpipe v-band coupling. We have no way of determining the number of airplanes that might need this inspection:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Inspection of the exhaust tailpipe v-band coupling (Not installed, includes removal and reinstallation).	1.5 work-hours × $127.50 per hour = $127.50	Not applicable	$127.50

We estimate the following costs for the installation of part number N1000897–40 exhaust tailpipe v-band coupling on Models S35, V35, V35A, and V35B airplanes equipped with the Continental TSIO–520–D engine with AiResearch turbocharger during manufacture. We have no way of determining the number of airplanes that may do this installation:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Installation of part number N1000897–40 exhaust tailpipe v-band coupling.	2 work-hours × $85 per hour = $170	$632	$802

Authority for This Rulemaking

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

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

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a

substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Textron Aviation Inc.: Docket No. FAA–2017–0288; Product Identifier 2017–CE–007–AD.

(a) Comments Due Date

We must receive comments by December 26, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to the following Textron Aviation Inc. airplanes; all serial numbers, that are certificated in any category:

(i) Models A36TC and B36TC airplanes equipped with a turbocharged engine.

(ii) Models S35, V35, V35A, and V35B airplanes equipped with the Continental TSIO–520–D engine with AiResearch turbocharger during manufacture; and

(iii) Models S35, V35, V35A, and V35B airplanes equipped with StandardAero Supplemental Type Certificate (STC) SA1035WE.

(2) If the one-piece v-band coupling (clamp), part number (P/N) NH1000897–40, is installed on Textron Aviation Inc. Models S35, V35, V35A, and V35B airplanes equipped with the Continental TSIO–520–D engine with AiResearch turbocharger during manufacture, this AD does not apply to those airplanes.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 81, Turbocharging.

(e) Unsafe Condition

This AD was prompted by a fatal accident where the exhaust tailpipe fell off during takeoff. We are issuing this AD to prevent failure of the exhaust tailpipe v-band coupling (clamp) that may lead to detachment of the exhaust tailpipe from the turbocharger and allow high-temperature exhaust gases to enter the engine compartment, which could result in an inflight fire.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done. For the purposes of this AD, the exhaust tailpipe v-band coupling may also be referred to as the exhaust tailpipe v-band clamp.

(g) Review of the Maintenance Records

Within 50 hours time-in-service (TIS) after the effective date of this AD, do a maintenance records review to determine the hours TIS of the exhaust tailpipe v-band coupling. If unable to determine the hours TIS of the exhaust tailpipe v-band coupling, use the compliance time specified in paragraph (h)(2) of this AD.

(h) Compliance Times for Repetitive Replacement of the V-Band Coupling

Use the following compliance times in paragraph (h)(1) or (2) for the repetitive replacement of the exhaust tailpipe v-band coupling as specified in paragraph (i) of this AD.

(1) *If from a review of the maintenance records you can positively identify that the hours TIS for the exhaust tailpipe v-band coupling is less than 500 hours TIS:* Do the initial replacement within 500 hours TIS on the exhaust tailpipe v-band coupling or within the next 50 hours TIS after the effective date of this AD, whichever occurs later, and replace repetitively thereafter at intervals not to exceed 500 hours TIS on the exhaust tailpipe v-band coupling.

(2) *If from a review of the maintenance records you can positively identify that the hours TIS for the exhaust tailpipe v-band coupling is 500 hours TIS or more or you cannot positively identify the hours TIS for the exhaust tailpipe v-band coupling:* Do the initial replacement within 50 hours TIS after the effective date of this AD and replace repetitively thereafter at intervals not to exceed 500 hours TIS on the exhaust tailpipe v-band coupling.

(i) Replacement of the Exhaust Tailpipe V-Band Coupling

Replace the exhaust tailpipe v-band coupling for the airplanes in paragraphs (i)(1) through (3) at the applicable compliance time as specified in paragraph (h).

Note 1 to paragraph (i) of this AD: We recommend after installation of the exhaust tailpipe v-band coupling, you do an engine run and recheck the torque of the v-band coupling.

(1) *Models A36TC and B36TC airplanes:* Replace the exhaust tailpipe v-band coupling part number (P/N) N4211–375–M or P/N 5322C–375–Z with a new exhaust tailpipe v-band coupling. When installing the new part, tighten the v-band coupling to 40 in-lbs., tap the periphery of the band to distribute tension, and torque again to 40 in-lbs.

Note 2 to paragraph (i)(1) of this AD: P/Ns N4211–375–M and P/N 5322C–375–Z are also known as P/N N4211–375M and P/N 5322C3752. The engineering drawings list the applicable part number v-band couplings as P/N N4211–375–M and P/N 5322C–375–Z; however, the parts catalog lists the applicable v-band couplings as P/N N4211–375M and P/N 5322C3752.

(2) *Models S35, V35, V35A, and V35B airplanes:*

(i) *For airplanes equipped with the Continental TSIO–520–D engine with AiResearch turbocharger during manufacture:* Replace the exhaust tailpipe v-band coupling P/N U4211–375–M or P/N 4404C375–M with a new exhaust tailpipe v-band coupling. When installing a new P/N U4211–375–M, tighten the v-band coupling to 60 in-lbs., tap the periphery of the band to distribute tension, and torque again to 60 in-lbs. When installing a new P/N 4404C375–M, add 20 in-lbs after the running torque is overcome. Replacement of exhaust tailpipe v-band coupling P/N U4211–375–M or P/N 4404C375–M with the one-piece v-band coupling, P/N NH1000897–40, terminates the requirements of this AD.

Note 3 to paragraph (i)(2)(i) and (ii) of this AD: P/Ns U4211–375–M and 4404C375–M may also be known as P/Ns U4211–375M and 4404C375M or 4404C–375–M.

(ii) *For airplanes equipped with STC SA1035WE:* Replace the exhaust tailpipe v-band coupling P/N U4211–375–M with a new exhaust tailpipe v-band coupling. When installing the new part, tighten the v-band coupling to 60 in-lbs., tap the periphery of the band to distribute tension, and torque again to 60 in-lbs.

(j) Repetitive Visual Inspection of the Installed Exhaust Tailpipe V-Band Coupling

(1) If you remove the exhaust tailpipe v-band coupling during your annual inspection or within the compliance time specified in paragraph (j)(2) of this AD, you may do the inspection specified in paragraph (k) of this AD in lieu of the inspection required in paragraph (j) of this AD. If you already have the v-band coupling removed, doing the detailed inspection as specified in paragraph (k) of this AD eliminates the possibility of having to remove and reinstall the v-band coupling more than once if certain conditions are found during the inspection required in paragraph (j) of this AD.

(2) At the next annual inspection after the effective date of this AD or within the next 12 months after the effective date of this AD, whichever occurs later, and repetitively thereafter at intervals not to exceed 12

months, do a visual inspection of the installed exhaust tailpipe v-band coupling. Use the inspection steps listed in paragraphs (j)(2)(i) through (vii) of this AD.

(i) Inspect the coupling and area around the coupling for signs of exhaust stains, sooting, or other evidence of exhaust leakage. If any of those conditions are found, remove the coupling and go to the inspection steps in paragraph (k) of this AD for inspection of a v-band coupling that has been removed.

(ii) Inspect the coupling outer band for cracks, paying particular attention to the spot weld areas. If cracks are found, before further flight, you must replace the v-band coupling with a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(iii) Inspect the coupling for looseness or separation of the outer band to the v-retainer segments(s) at all spot welds. If looseness or separation of the outer band to any or multiple retainer segments(s) is found, before further flight, you must replace the v-band coupling with a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(iv) Inspect the coupling outer band for cupping, bowing, or crowning. If any of these conditions are found, before further flight, remove the coupling and go to the inspection steps in paragraph (k) of this AD for inspection of a v-band coupling that has been removed.

(v) Inspect the area of the coupling, including the outer band, opposite the t-bolt for damage or distortion. If any damage or distortion is found, before further flight, you must replace the v-band coupling with a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(vi) Using a mirror, verify there is a space between each v-retainer coupling segment below the t-bolt. If there is no space between each v-retainer coupling segment below the t-bolt, before further flight, you must replace the v-band coupling with a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(vii) Verify the v-band coupling nut is properly torqued as specified in paragraphs (j)(2)(vii)(A) through (C) of this AD:

(A) For P/N N4211–375–M or P/N 5322C–375–Z exhaust tailpipe v-band coupling, torque to 40 in-lbs.

(B) For P/N U4211–375–M exhaust tailpipe v-band coupling, torque to 60 in-lbs.

(C) For 4404C375–M exhaust tailpipe v-band coupling, verify the nut is secure. If not secure, before further flight, loosen and verify running torque and add 20 in-lbs to the running torque when tightened.

(3) These inspections do not terminate the 500-hour TIS repetitive replacement of the v-band coupling and do not restart the hours TIS for the repetitive replacement of the v-band coupling.

(k) Visual Inspection of a Removed Exhaust Tailpipe V-Band Coupling

(1) If during the visual inspection required in paragraph (j) of this AD you are required to remove of the exhaust tailpipe v-band coupling to do a more detailed inspection, you must do the inspection steps listed in paragraphs (k)(1) and (2) of this AD. If you removed the exhaust tailpipe v-band coupling during the annual inspection or within the compliance time specified in paragraph (j)(2) of this AD, you may do the inspection specified in paragraph (k) of this AD in lieu of the inspection required in paragraph (j) of this AD. If you already have the v-band coupling removed, doing the detailed inspection as specified in paragraph (k) of this AD eliminates the possibility of having to remove and reinstall the v-band coupling more than once if certain conditions are found during the inspection required in paragraph (j) of this AD.

(i) Use crocus cloth and mineral spirits/Stoddard solvent, to clean the outer band of the v-band coupling. Pay particular attention to the spot weld areas on the coupling. If during cleaning corrosion cannot be removed or pitting of the v-band coupling is found, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(ii) Use a 10X magnifier to visually inspect the outer band for cracks, paying particular attention to the spot weld areas. If cracks are found during this inspection, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(iii) Visually inspect the flatness of the outer band using a straight edge. Lay the straight edge across the width of the outer band. The gap must be less than 0.062 inches. See figure 1 to paragraphs (k)(1)(iii) and (v) of this AD. If the gap exceeds 0.062 inches between the outer band and the straight edge, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

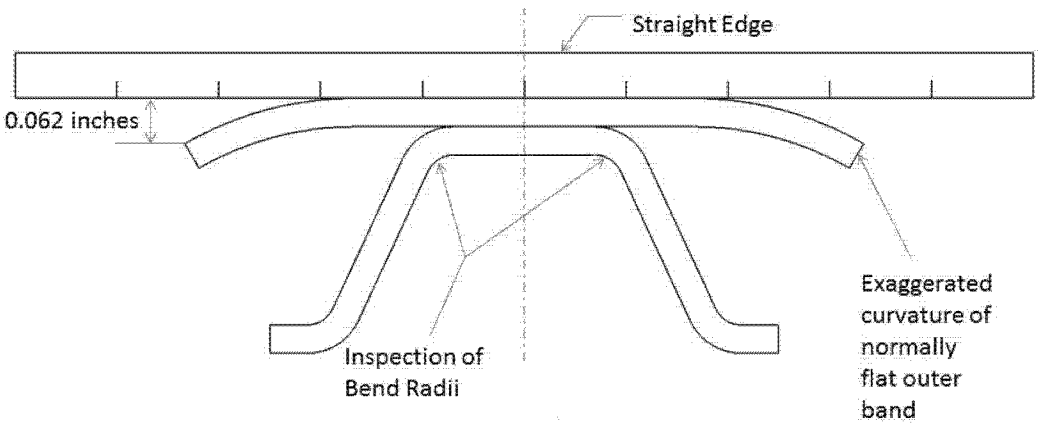

Figure 1 to paragraphs (k)(1)(iii) and (v) of this AD: Cross section of v-band coupling

(iv) With the t-bolt in the 12 o'clock position, visually inspect the coupling for the attachment of the outer band to the v-retainer coupling segments by inspecting for gaps between the outer band and the v-retainer coupling segments between approximately

the 1 o'clock through 11 o'clock position. It is recommended to use backlighting to see gaps. If gaps between the outer band and the v-retainer coupling segments are found, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(v) Visually inspect the bend radii of the coupling v-retainer coupling segments for cracks. Inspect the radii throughout the length of the segment. See figure 1 to paragraphs (k)(1)(iii) and (v) of this AD. If any cracks are found, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(vi) Visually inspect the outer band opposite the t-bolt for damage (distortion, creases, bulging, or cracks), which may be caused from excessive spreading of the coupling during installation and/or removal. If any damage is found, do not re-install the v-band coupling. Before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(2) If the removed exhaust tailpipe v-band coupling passes all of the inspection steps listed in paragraphs (k)(1)(i) through (vi) of this AD, you may re-install the same v-band coupling. After the coupling is re-installed and torqued as specified in Replacement of the V-Band Coupling, paragraph (i) of this AD, verify there is space between each v-retainer coupling segment below the t-bolt. If there is no space between each v-retainer coupling segment below the t-bolt, before further flight, you must install a new v-band coupling and restart the hours TIS for the repetitive replacement of the v-band coupling.

(3) The inspections required in paragraphs (k)(1) and (2) of this AD only apply to re-installing the same exhaust tailpipe v-band coupling that was removed as specified in paragraph (j) of this AD. It does not apply to installation of a new v-band coupling. These inspections do not terminate the 500-hour TIS repetitive replacement of the v-band coupling and do not restart the hours TIS for the repetitive replacement of the v-band coupling.

(4) As of the effective date of this AD, do not install a used exhaust tailpipe v-band coupling on the airplane except for the reinstallation of the inspected exhaust tailpipe v-band coupling that was removed as specified in paragraphs (j) and (k) of this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. The Manager, Chicago ACO Branch, FAA, has the authority to approve AMOCs concerning STC SA1035WE, 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 Wichita ACO Branch, send it to the attention of the person identified in paragraph (m) of this AD. If sending information directly to the manager of the Chicago ACO Branch, send it to the attention of John Tallarovic, Aerospace Engineer, AIR–7C3 Chicago ACO Branch, 2300 East Devon Avenue, Des Plaines, IL 60018–4696; telephone: (847) 294–8180; fax: (847) 294–7834; email: *john.m.tallarovic@faa.gov.*

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

(m) Related Information

For more information about this AD, contact Thomas Teplik, Aerospace Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4196; fax: (316) 946–4107; email: *thomas.teplik@faa.gov.*

Issued in Kansas City, Missouri, on October 23, 2017.

William Schinstock,

Acting Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2017–24065 Filed 11–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 490

[FHWA Docket No. FHWA–2017–0025]

RIN 2125–AF776

National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The FHWA is extending the comment period for a notice of proposed rulemaking (NPRM) and request for comments, which was published on October 5, 2017. The original comment period is set to close on November 6, 2017. The extension is based on concern expressed by stakeholders that this closing date does not provide sufficient time to review and provide comprehensive comments on the proposal. The FHWA recognizes that others interested in commenting may have similar concerns, but is mindful of commenters who have expressed opposition to a lengthy rulemaking process. Therefore, the closing date for comments is extended, which will provide stakeholders interested in commenting additional time to submit responses to the docket.

DATES: The comment period for the proposed rule published October 5, 2017, at 82 FR 46427, is extended. Comments must be received on or before November 15, 2017.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue SE., Washington, DC 20590, or submit electronically at *http://www.regulations.gov.* All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 8 a.m. to 4:30 p.m., ET, Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, Pages 19477–78) or you may visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Susanna Hughes-Reck, Office of Infrastructure, (202) 366–1548, or Janet Myers, Office of Chief Counsel, (202) 366–2019, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8 a.m. to 4:30 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or access all comments received by DOT online through: *http://www.regulations.gov.* Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded from the **Federal Register**'s home page at: *http://www.federalregister.gov.*

Background

Section 150 of title 23, U.S.C., identifies the national transportation goals and requires the Secretary by rule

to establish performance measures in specified Federal-aid highway program areas. One of the measures FHWA created to assess the performance of the NHS under the National Highway Performance Program (NHPP) is Percent Change in Tailpipe Carbon Dioxide (CO_2) Emissions on the NHS from the Calendar Year 2017 (also referred to as the GHG measure). It was created to advance a policy preference of the prior Administration. On October 5th at 82 FR 46427, FHWA published an NPRM proposing to repeal the measure.

The original comment period for the NPRM closes on November 6, 2017. Clean Air Carolina, Natural Resources Defense Council, Southern Environmental Law Center, U.S. Public Interest Research Group, and The City of New York Law Department have expressed concern that this closing date does not provide sufficient time to review and provide comprehensive comments on the proposal. The FHWA is mindful, however, of requests by the State Department of Transportation of Michigan, Idaho, Montana, North Dakota, South Dakota, Wyoming, and Missouri to complete the rulemaking as expeditiously as possible to provide them certainty in their investment and programming activities. As such, FHWA is extending the closing date from November 6, 2017, to November 15, 2017.

Authority: 23 U.S.C. 104(b)(1), 119, and 150.

Brandye L. Hendrickson,

Acting Administrator, Federal Highway Administration.

[FR Doc. 2017–24345 Filed 11–3–17; 4:15 pm]

BILLING CODE 4910–22–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2017–0355; FRL–9970–58–OAR]

RIN 2060–AT55

Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public hearing and extension of comment period.

SUMMARY: On October 16, 2017, the Environmental Protection Agency (EPA) published a proposal to announce its intention to repeal the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as the Clean Power Plan (CPP), as promulgated on October 23, 2015. The proposal also requested public comment on the proposed rule. The EPA is announcing that a public hearing will be held. In addition, the EPA is extending the public comment period.

DATES: The public hearing for the proposed rule (82 FR 48035) will be held November 28 and 29, 2017. The deadline for accepting written comments is being extended by 32 days to January 16, 2018.

ADDRESSES: The public hearing will be held on November 28 and 29, 2017, at the West Virginia Capitol Complex, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305. The hearing will convene at 9:00 a.m. (Eastern Standard Time) and will conclude at 5:00 p.m. (Eastern Standard Time). If the EPA receives a high volume of requests, we may continue the public hearing to November 30, 2017, at the Capitol Complex. The EPA may also hold an additional hearing to be announced at a later date. The EPA will make every effort to accommodate all speakers. The EPA's Web site for the rulemaking, which includes the proposal and information about the hearing, can be found at: *https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan.* Written comments on the proposed rule may be submitted to the EPA electronically, by mail, by facsimile or through hand delivery/courier. Please refer to the proposal (82 FR 48035) for the addresses and detailed instructions.

How To Register: If you would like to present oral testimony at the public hearing, registration will begin on November 8, 2017. The last day to register to present oral testimony will be November 16, 2017. To register to speak at the hearing, please use the online registration form available at: *https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan* or contact Tanya Johnson at (888) 627–7764; email address: *airaction@epa.gov.* We request the following information: The time you wish to speak (morning or afternoon), name, affiliation, email address, and telephone number. If you require the service of a translator or accommodation, please let us know at the time of registration. Once registration closes, the EPA will allocate available morning and afternoon pre-registered speaking slots and confirm those via email starting on November 17, 2017. Please note that updates made to any aspect of the hearing will be posted online at: *https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan.* While the EPA expects the hearing to go forward as set forth above, it asks that you monitor its Web site or contact Tanya Johnson at (888) 627–7764; email address *airaction@epa.gov* to determine if there are any updates to the information on the hearing. The EPA does not intend to publish a notice in the **Federal Register** announcing any such updates.

Questions concerning the proposed rule that was published in the **Federal Register** on October 16, 2017, should be addressed to Mr. Peter Tsirigotis, Office of Air Quality Planning and Standards, Sector Policies and Programs Division (D205–01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (888) 627–7764; email address: *airaction@epa.gov.*

SUPPLEMENTARY INFORMATION: The proposal for which the EPA is holding the public hearing was published in the **Federal Register** on October 16, 2017, and is available at: *https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan* and also in the docket identified below. The public hearing will provide interested parties the opportunity to present oral comments regarding the EPA's proposed repeal, including data, views, or arguments concerning the proposal. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. The period for providing written comments to the EPA will remain open until January 16, 2018.

Once the EPA learns how many people have registered to speak at the public hearing, it will allocate speaking times, allowing time for necessary breaks. In addition, a block of time will be reserved for anyone in the audience who wants to give testimony. For planning purposes, each speaker should anticipate speaking for no more than 5 minutes, although we might need to shorten that time if there is a large turnout. The EPA encourages commenters to submit to the docket a copy of their testimony electronically (via email or CD) or in hard copy form.

The public hearing schedule, including lists of speakers, will be posted on the EPA's Web site at: *https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan.* Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule.

How can I get copies of this document and other related information?

The EPA has established a docket for the proposed rule, ''Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' under Docket ID No. EPA–HQ–OAR–2017–0355, available at: *http://www.regulations.gov.*

Dated: November 2, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–24216 Filed 11–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2010–0505; FRL–9970–55–OAR]

RIN 2060–AT59

Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of data availability.

SUMMARY: The Environmental Protection Agency (EPA) is issuing this notice of data availability (NODA) in support of the proposed rule titled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements,'' which was published on June 16, 2017. In this document, the EPA is providing additional information on several topics raised by stakeholders and is soliciting comment on the information presented. The two topic areas are the legal authority to issue a stay and the technological, resource, and economic challenges with implementing the fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification of closed vent systems by a professional engineer. This notice also provides an updated cost savings and forgone benefits analysis for the 2-year stay.

DATES: Comments must be received on or before December 8, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2010–0505, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Mr. Peter Tsirigotis, Sector Policies and Programs Division (D205–01), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (888) 627–7764; email address: *airaction@epa.gov.*

SUPPLEMENTARY INFORMATION:

Organization of This Document. The information presented in this document is organized as follows:

I. Background

On June 16, 2017, the EPA proposed to stay for 2 years certain requirements that are contained within the final rule titled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources,'' published in the **Federal Register** at 81 FR 35824, June 3, 2016 (2016 Rule). This action proposed to stay the fugitive emissions requirements, the well site pneumatic pump requirements, and the requirements for certification of closed vent systems by a professional engineer for 2 years, in order to provide the EPA with sufficient time to propose, take public comment on, and issue a final action on the issues concerning the specific requirements on which the EPA has granted reconsideration. 82 FR 27645, June 16, 2017. While the proposed 2-year stay was based on the time needed to complete a rulemaking to address the issues for which we have granted reconsideration, during this time, the EPA plans to also address all remaining issues raised in these reconsideration petitions regarding fugitive emissions, pneumatic pumps, and certification by professional engineer requirements. The EPA believes that addressing all issues related to these requirements would provide the regulated entities and the general public clarity and certainty regarding these requirements.

Subsequent to the 82 FR 27645, June 16, 2017, proposal, the Agency has heard a broad range of questions, concerns, and constructive suggestions from stakeholders on how the proposed rule could be improved. This document is not intended to address all of the issues that have been raised; we will summarize and respond to all comments in the final rule. Rather, the purpose of this document is to describe and seek comment on several ideas raised by stakeholders that may go beyond those for which the Agency sought comment in the June 16, 2017, proposal. In this document, we describe the specific issues and ideas raised by stakeholders and explain which of those ideas we consider to be within or possibly beyond the scope of comment already requested. The purpose of this document is to bring these ideas to the attention of other stakeholders and the public so that they may also provide comments to assist in developing a final rule.

The feedback the EPA has received since proposing the stay relates to the EPA's legal authority to stay these requirements and lack of clarity and other challenges in implementing these three requirements. With respect to the implementation challenges, the commenters recommend, as an alternative to the proposed stay, that the EPA amend the 2016 Rule to extend the periods currently provided in the 2016 Rule for establishing the necessary infrastructure and phasing in the requirements for conducting the initial monitoring survey of fugitive emissions

and for routing well site pneumatic pump emissions to onsite controls or processes. The feedback similarly suggests the need for a phase-in period to allow a scale-up of the number of qualified professional engineers to meet the demand imposed by the 2016 Rule. The EPA is soliciting comments on this recommendation. Specifically, the EPA is soliciting relevant data and information, in particular those related to the EPA's analyses and assumptions that were used to establish the phase-in periods in the 2016 Rule, to help inform the EPA why the appropriate duration of these periods may have been underestimated, as the feedback suggests. Further, with respect to the requirement for certification of closed vent systems by a professional engineer, while in the preamble to the 2015 proposed New Source Performance Standards (NSPS) the EPA had suggested such certification as a potential remedy where a storage vessel is improperly designed,[1] the final 2016 Rule requires such certification for demonstrating compliance with not only the storage vessel emission standards, but a number of other emission standards, thereby affecting a large number of affected sources.[2] According to the feedback received, the immediate high demand for qualified professional engineers to meet this certification requirement has made implementation of this requirement quite challenging. In light of the feedback, the EPA is soliciting comments, data, and any other information that would help the EPA determine whether a phase-in period for this requirement is needed and, if so, the length of such period. While the comment period on the June 16, 2017, proposal closed on August 9, 2017, comments on this action may include further commentary on statements made in the proposed 2-year stay.

This action also provides an updated cost analysis for the 2-year stay, which reflects a revised time frame, as well as corrects a technical error in the initial analysis. This correction results in a slight increase in cost savings associated with the proposed 2-year stay. The EPA has also updated this analysis to include forgone benefits and net benefits from the proposed 2-year stay. For more information, see section IV of this document.

II. Legal Authority

The EPA received comments from stakeholders on our legal authority to stay these requirements or otherwise amend the 2016 Rule to extend the ''phase-in'' periods currently provided in that rule. See Docket ID No. EPA–HQ–OAR–2010–0505–10577. Specifically, noting that these requirements are not mandated by Clean Air Act (CAA) section 111(b)(1)(B), the commenter interprets CAA section 111 as authorizing the EPA to extend compliance deadlines or establish future compliance dates. The commenter also cites section 705 of the Administrative Procedure Act (APA) to provide the EPA authority to stay these requirements pending judicial review. The commenter interprets the term ''postpone'' in section 705 of the APA to include ''delay, defer, adjourn, shelve, table, and put on hold.'' *Id.* at 7. Lastly, the commenter argues that the EPA's general rulemaking authority under section 301(a) of the CAA authorizes a rulemaking staying these requirements because ''Congress has not written a 'clear impediment to the issuance' '' of such stay. *Id.* at 12 (citations omitted). The EPA solicits comments on these legal theories provided in this comment document. See Docket ID No. EPA–HQ–OAR–2010–0505–10577.

For the reasons stated below, the EPA has legal authority to amend the 2016 Rule to either stay certain provisions or otherwise revise certain aspects of the rule. The EPA promulgated the 2016 Rule pursuant to section 111(b)(1)(B) of the CAA in accordance with the notice-and-comment rulemaking procedures under section 307(d) of the CAA. 81 FR 35828. The EPA is using the same statutory authority and following the same procedures in the present rulemaking to amend the 2016 Rule to stay certain requirements (as described in the June 16, 2017, proposal) or make the suggested changes to aspects of these requirements as described in this action (*i.e.,* extension or provision of ''phase-in'' periods). In addition, section 301(a) of the CAA provides the Agency with broad authority to prescribe regulations, including revisions to prior rulemakings, as necessary to carry out the Administrator's authorized functions under the statute. ''The power to decide in the first instance carries with it the power to reconsider.'' *Trujillo* v. *Gen. Elec. Co.,* 621 F.2d 1084, 1086 (10th Cir. 1980); see also, *United Gas Improvement Co.* v. *Callery Properties, Inc.,* 382 U.S. 223, 229 (1965); *Mazaleski* v. *Treusdell,* 562 F.2d 701, 720 (D.C. Cir. 1977).

Section 111 of the CAA requires the EPA to list a source category under that section if, ''in [the EPA Administrator's] judgment it causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' Once a source category is listed, CAA section 111(b)(1)(B) requires that the EPA promulgate ''standards of performance'' for new sources in such source category. In addition, CAA section 111(b)(1)(B) requires the EPA to ''at least every 8 years review and, if appropriate, revise'' performance standards unless the ''Administrator determines that such review is not appropriate in light of readily available information on the efficacy'' of the standard. In 1979, the EPA published a list of source categories, including Oil and Natural Gas, under section 111(b) of the CAA. See *Priority List and Additions to the List of Categories of Stationary Sources,* 44 FR 49222 (August 21, 1979) (''1979 Priority List''). In 1985, the EPA promulgated NSPS for this source category that addressed volatile organic compound(s) (VOC) emissions from leaking components at onshore natural gas processing plants (40 CFR part 60, subpart LLL) and sulfur dioxide emissions from natural gas processing plants (40 CFR part 60, subpart KKK). In 2012, the EPA conducted its required review under CAA section 111(b)(1)(B), and promulgated NSPS subpart OOOO, which included updates to subparts KKK and LLL standards as well as additional VOC standards for this source category.

In addition to the mandatory obligations described above, the EPA has discretion under CAA section 111(b)(1)(B) to add new standards of performance for additional pollutants or emission sources not previously covered concurrent with, or independent of, the 8-year review. Pursuant to section 111(b)(1)(B) of the CAA, the EPA has promulgated new performance standards for previously unregulated sources concurrent with the 8-year review. See, *e.g.,* 71 FR 9866 (February 27, 2006) (new particular matter standards for boilers); 73 FR 35838 (June 24, 2008) (new nitrogen oxide standards for additional sources at refineries); 77 FR 49490 (August 16, 2012) (new VOC standards for additional sources at oil and gas facilities). However, the appropriate time for promulgating such new standards may not always align with the 8-year review cycle. See, *e.g.,* 73 FR 35838, 35859. (The EPA did not promulgate performance standards for greenhouse gas emissions as part of the 8-year review of the NSPS for refineries because the Agency was still in the process of gathering information and reviewing controls.) While the EPA could conduct the required periodic review sooner than every 8 years, which

[1] 80 FR 56649, September 18, 2015.

[2] 40 CFR 60.5411a(d).

would potentially allow the EPA to conduct the review and set additional standards concurrently, the EPA does not believe that the schedule for the statutorily required review should be driven by the timing for promulgating additional performance standards that are discretionary. On the other hand, there is no reason that the EPA's authority and discretion to promulgate such standards should be constrained by the timing of the 8-year review. The EPA, therefore, reasonably interprets CAA section 111(b)(1)(B) to allow the Agency to exercise its discretion to promulgate new performance standards for additional sources or pollutants when appropriate (concurrent with or independent of the 8-year review).

Pursuant to this authority under section 111(b)(1)(B) of the CAA, the EPA promulgated the 2016 Rule which contained, among other things, a number of new performance standards for emission sources not previously covered, including the fugitive emissions components at well sites and compressor stations, as well as pneumatic pumps at well sites.[3] The EPA promulgated the fugitive emissions requirements for well sites and compressor stations pursuant to section 111(h) of the CAA, which authorizes the EPA to set a design, equipment, work practice, or operational standard where it is not technically feasible to prescribe or enforce an emission standard. 80 FR 56593, 56637 (September 18, 2015). A work practice standard generally consists of a set of activities that sources must perform and a time period for completing the activities. See, *e.g.,* 40 CFR 60.632 (180 days from initial startup to comply with the requirements to detect and repair leaks at onshore oil and natural gas processing plants). Similar to existing work practice standards, the fugitive emissions requirements in the 2016 Rule specify a set of activities (*e.g.,* developing an emission monitoring plan, conducting initial and subsequent surveys, repair or replacement, and resurvey of fugitive emissions components according to the plan) and time frames for performing the activities. 40 CFR 60.5397a. Specifically, the 2016 Rule specifies a period of time (*i.e.,* until June 3, 2017, or 60 days after starting up production, whichever is later) for sources to establish the necessary infrastructure, develop a monitoring plan, secure the required personnel and equipment, and conduct the initial monitoring survey of fugitive emissions components at well sites and compressor stations. 81 FR 35858–9 and 35863, June 3, 2016.

The 2016 Rule similarly did not establish an emission limit for well site pneumatic pumps, but instead requires that emissions from well site pneumatic pumps be routed to an available control or process onsite, unless a qualified professional engineer certifies that it is not technically feasible to do so. As with the fugitive emissions requirements, the 2016 Rule similarly provided a period of time (until November 30, 2016) for owners and operators to conduct the ground work required for routing well site pneumatic pumps to an available onsite control or process (or, if it is not technically feasible to do so, for obtaining a certification by a qualified engineer of the technical infeasibility). 81 FR 35859, June 3, 2016.

The 2016 Rule also added a requirement that all closed vent systems routing emissions from storage vessels, compressors, and pneumatic pump affected facilities be certified by a qualified professional engineer. This certification requirement is not an emission standard under CAA section 111(a)(1) or a design, equipment, work practice, or operational standard under CAA section 111(h); it is a compliance measure that would provide additional assurance that sources are meeting the emission standards for storage vessels, compressors, and pneumatic pumps. Some of these emission standards, such as those for storage vessels and compressors, were promulgated in 2012 under section 111(b)(1)(B) of the CAA.

Through the June 16, 2017, action, the EPA is proposing to amend the 2016 Rule to stay the fugitive emissions requirements, the well site pneumatic pump requirements, and the certification requirement described above. Since then, the EPA has received suggestions that, instead of staying these requirements, the EPA extend the current phase-in periods for the fugitive emissions requirements and well site pneumatic pump requirements, as well as providing one for the requirement for certification of closed vent systems by a professional engineer. Agencies have inherent authority to reconsider past decisions and to revise, replace, or repeal a decision to the extent permitted by law and supported by a reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual Auto. Ins. Co.,* 463 U.S. 29, 42 (1983) (''*State Farm*''). This includes a decision regarding the appropriate length of the phase-in periods provided in the 2016 Rule for specific requirements, as well as whether to provide one for phasing in an additional compliance assurance measure, or whether to stay these three requirements at issue while they are being revised through rulemaking.

Section 301(a) of the CAA provides the EPA with broad rulemaking authority to carry out the CAA. Notwithstanding the potential constraint that other parts of the CAA may have on the EPA's authority to stay a rule pursuant to CAA section 301(a), see *Natural Resources Defense Council, Inc.* v. *Reilly,* 976 F.2d 36, 41 (D.C. Cir. 1992), there is no such constraint here with respect to staying the fugitive emissions requirements, the well site pneumatic pump requirements, and the certification requirement in the 2016 Rule, the promulgation of which was discretionary and not compelled by CAA section 111(b)(1)(B). In a case analyzing a similar general rulemaking authority granted to the Federal Reserve Board by the Truth in Lending Act, the Supreme Court held quite broadly that, where ''the empowering provision of a statute states simply that an agency may make such rules and regulations as necessary to carry out the provisions of an act, the validity of a regulation promulgated thereunder will be sustained so long as it is 'reasonably related to the purposes of the enabling legislation.' '' *Mourning* v. *Family Publications Service, Inc.,* 411 U.S. 356, 369 (1973) (quoting *Thorpe* v. *Housing Authority of City of Durham,* 393 U.S. 268, 280–81 (1969)). In a CAA section 301(a) case, the District of Columbia Circuit Court of Appeals held that CAA section 301(a) authorizes the EPA to use rulemaking to issue the enhanced vehicle inspection and maintenance programs guidance under section 182 of the CAA. *Natural Res. Def. Council, Inc.* v. *EPA,* 22 F.3d 1125 (D.C. Cir. 1994). Noting the absence of any provision in CAA section 182 preventing issuing such guidance through rulemaking, the Court deferred to the Agency's determination that the regulation was necessary as long as it provided a reasoned explanation. *Id.* at 1148.

The EPA's proposed stay, as well as the stakeholder-suggested extension or provision of ''phase-in'' periods for the three requirements at issue, is consistent with the purposes of the CAA and, therefore, authorized under section 301(a) of the CAA. The EPA promulgated these requirements for purposes of achieving meaningful emission reductions under the regulatory schemes established in the 2016 Rule to complement other emission reduction efforts and address

[3] The 2016 Rule also includes standards for reducing methane emissions from the oil and natural gas sector, as well as revisions to the previously promulgated Oil and Natural Gas NSPS (40 CFR part 60, subpart OOOO).

certain challenges (*e.g.,* technical infeasibility and time needed for building up for necessary equipment and trained personnel). For instance, the EPA promulgated both the fugitive emissions requirements and a process for applying and obtaining an alternative means of emissions limitations (AMEL) with the clear intent to achieve emission reductions from currently uncontrolled sources while still allowing sources subject to effective existing state fugitive emissions programs an avenue to continue implementing such programs, as well as to encourage the use of innovative technology. Therefore, in promulgating the fugitive emissions requirements, the EPA clearly intended and anticipated the implementation of alternatives in lieu of such requirements. However, stakeholders indicated that this purpose of the 2016 Rule was frustrated by the fact that the current AMEL provisions are not sufficiently clear to allow sources to take advantage of them. Stakeholders suggested that further revision or clarification would be required before sources can apply and obtain approval to use an innovative technology or implement their current state program in lieu of the 2016 Rule requirements. The EPA received input from stakeholders stating that without staying the fugitive emissions requirements pending the EPA's reconsideration, the regulated entities would incur significant and potentially unnecessary additional costs and compliance burden to implement the 2016 Rule, and, in some cases, at the expense of disrupting or complicating compliance with applicable state programs, just to later revert back to what they were doing in the first place. These were the consequences that the EPA sought to avoid by promulgating the AMEL in the 2016 Rule. While not all states have fugitive emissions programs, considering that many states with high oil and gas production do have such programs in place,[4] it is not clear that the marginal additional emission reductions achieved during the EPA's reconsideration process outweigh the potential disruption to existing state programs and company-specific programs. In light of the discussion above, the EPA believes that the proposed stay of the fugitive emission requirements pending its reconsideration process is reasonable and authorized under sections 111 and 301 of the CAA.

With respect to the well site pneumatic pump requirements, the 2016 Rule acknowledges that routing the pneumatic pump emissions to an available onsite control or process may not always be technically feasible and, therefore, provides a technical infeasibility exemption for such routing except for pneumatic pumps located at a ''greenfield site.'' However, some sources could not tell based on the 2016 Rule definition of ''greenfield site,'' which was not proposed for notice and comment, whether they are ''greenfield sites,'' even though they are encountering technical infeasibility, and, therefore, risk being in noncompliance. Delaying these requirements until the EPA resolves this potential problem through its reconsideration process is consistent with the 2016 Rule to require emission reductions from well site pneumatic pumps only where it is technically feasible to do so.

Lastly, as mentioned above, the closed vent certification by professional engineer requirement is a compliance measure included in the 2016 Rule to provide additional assurance that sources are meeting the emission standards for a wide range of equipment, some of which have been in place since 2012. The EPA granted reconsideration of this requirement because the EPA had not considered its cost and whether the additional assurance justifies such expenditure. The EPA's proposed stay while conducting this evaluation is clearly consistent with section 111 of the CAA, which expressly identifies cost as a factor for consideration when promulgating emission standards. See CAA section 111(a)(1).

For the reasons stated above, both the proposed stay and the suggestion by stakeholders to extend (or provide) the phase-in periods are lawful exercises of the EPA's statutory authority and discretion under the CAA. The EPA solicits comment on the EPA's legal authorities for taking these actions. In addition, as mentioned above, the EPA solicits comment on stakeholder input[5] on the EPA's legal authorities to take these actions.

III. Stakeholder Input on Sources' Ability To Implement Requirements

In the June 16, 2017, proposal, the EPA explained that it is proposing to stay the requirements at issue pending reconsideration due to its concern that sources should not be compelled to comply with these requirements pending the EPA's reconsideration of issues associated with these requirements, as these issues impact the ability of a wide range of sources to achieve and show compliance with their applicable standards. 82 FR 27646–8, June 16, 2017. In that action, the EPA proposed to amend the 2016 Rule by staying these requirements pending reconsideration.

Since proposing to stay the requirements pending reconsideration, the EPA received feedback from some stakeholders indicating that there are additional issues affecting sources' ability to implement the above mentioned requirements besides those for which the EPA has granted reconsideration.[6] Some stakeholders suggested that the EPA should amend the 2016 Rule by extending the ''phase-in'' periods provided in the 2016 Rule for a build-up of the number of trained personnel (*i.e.,* certified monitoring survey contractors, qualified professional engineers) and equipment (*i.e.,* monitoring instruments) required to meet the demand imposed by the fugitive emissions requirements and the well site pneumatic pump requirements. The EPA anticipated that during these periods, ''sources will begin to phase in these requirements as additional devices and personnel become available.'' 81 FR 35859 and 35863, June 3, 2016. We solicit comment on the suggestion that these periods be extended.

Some stakeholders suggested that these concerns may also exist with respect to other provisions requiring professional engineer certifications. The EPA solicits comment on whether to similarly provide a phase-in period to allow a scale-up of the number of qualified professional engineers to meet the demand imposed by the 2016 Rule, which requires certification by such professionals of (1) the closed vent systems routing emissions from various equipment and (2) technical infeasibility of routing emissions from a well site pneumatic pump to an existing control device or process onsite. The EPA additionally solicits comment on the length of the phase-in period necessary in order to achieve this scale-up.

As mentioned above, the EPA previously anticipated that some of these issues might be present for a more limited period and, therefore, provided in the 2016 Rule a ''phase-in'' period for both the fugitive emissions requirements and the pneumatic pump requirements. 81 FR 35851, 35858–9, 35863, June 3, 2016. Specifically, in

[4] Including California, Colorado, North Dakota, Ohio, Pennsylvania, Texas, Utah, and Wyoming.

[5] See, for example, Docket ID No. EPA–HQ–OAR–2010–0505–10577 and Docket ID No. EPA–HQ–OAR–2010–0505–12142.

[6] See, for example, Docket ID No. EPA–HQ–OAR–2010–0505–11108 and Docket ID No. EPA–HQ–OAR–2010–0505–12337.

regards to the fugitive emissions requirements, in light of the large number of sources, the EPA concluded that time was needed to allow an increase in production of the required equipment and scale-up of trained personnel, as well as for sources to establish the groundwork and secure the necessary monitoring equipment and personnel. The 2016 Rule, therefore, provided a ''phase-in'' period by allowing sources to conduct initial monitoring by June 3, 2017, or within 60 days after production starts, whichever is later. 81 FR 35858–9, 35863, June 3, 2016. Some stakeholders suggested that some sources continue to have difficulty securing the necessary equipment and/or personnel to conduct the required monitoring survey of fugitive emissions. For a similar reason, the 2016 Rule provided a phase-in period until November 30, 2016, to connect well site pneumatic pumps to an existing control or process onsite. 81 FR 35851, June 3, 2016.

However, some stakeholders suggested that the time provided in the 2016 Rule may not have been adequate to accommodate the number of affected sources subject to these requirements. In addition, some stakeholders indicated that sources that must now comply with these requirements upon startup may be particularly affected by these challenges. Therefore, the EPA solicits comment and information on these challenges that sources are experiencing in carrying out these requirements. Further, the EPA is soliciting comment on whether, in light of the numerous ongoing compliance issues, the EPA should amend the above mentioned phase-in periods in the 2016 Rule instead of simply staying the requirements. The EPA additionally is soliciting comment on the appropriate length of a phase-in period to address the challenges sources are experiencing in carrying out the requirements in the 2016 Rule. A stay would mean that sources do not have to comply while the stay is in place. It would not, however, change any dates in the 2016 Rule. This could create some uncertainty for sources regarding their obligations upon expiration of the stay. A change to the phase-in periods (or the addition of such a period where the rule does not currently provide one) could provide greater certainty to sources.

Some stakeholders suggested that the challenges regarding acquiring necessary equipment and trained personnel may also exist with respect to the requirement of certification of closed vent systems by a professional engineer. We note that the 2016 Rule does not have a phase-in period associated with the closed vent system certification by professional engineer requirement, which must be met by a wide range of sources (*i.e.,* storage vessels, compressors, and pneumatic pumps), even though the EPA acknowledged that securing such professional engineer certification may take time. 81 FR 35851, June 3, 2016. The EPA, therefore, solicits comment on whether time (and how much) should be provided to allow a further building up of the number of professional engineers experienced in these requirements to meet the demand posed by this certification requirement.

As mentioned above, the EPA solicits comment on the appropriate length of time needed to address the challenges sources are experiencing in carrying out these requirements in the 2016 Rule and the suggestion to extend the ''phase-in'' periods established in the 2016 Rule for the fugitive emissions requirements and the well site pneumatic pump requirements, as well as the suggestion to provide a phase-in period for the requirement for certification of closed vent systems by a professional engineer.

A. Fugitive Emissions Requirements

The EPA proposed to stay for 2 years the fugitive emissions requirements at well sites and compressor stations while it reconsiders the process and criteria for requesting and receiving approval for the use of an AMEL and the applicability of the fugitive emissions requirements to low production well sites. 82 FR 27646, June 16, 2017. These issues determine the universe of sources that must implement the fugitive emissions requirements. *Id.* The EPA has received feedback from some stakeholders that securing certified monitoring survey contractors and monitoring instruments has been more difficult than predicted, and, therefore, the EPA is soliciting comment on the availability of contractors and monitoring instruments, and the impact on owners and operators complying with the requirements of the 2016 Rule. The EPA is soliciting comment on extending the phase-in period and the appropriate length of the phase-in period to allow for an adequate build-up of the personnel and equipment required for meeting the fugitive emissions requirements. Specifically, the EPA solicits comment on whether the impact of this requirement and any feasibility issues are relevant to few sources or a systemic issue related to many sources.

The EPA also received feedback regarding the applicability of the fugitive emissions requirements to third-party equipment at well sites which is ancillary to production (*e.g.,* equipment such as meters owned by midstream operators). The 2016 Rule requires that all fugitive emissions components at a well site be monitored and repaired, but there has been confusion as to the appropriate scope of components that are included in the definition of the well site for the fugitive emissions requirements. During the public comment period on the 2016 Rule, the EPA received feedback that ancillary midstream assets (*e.g.,* meters) should be excluded from the fugitive emissions requirements because they are owned by legally distinct companies from the well site owner and operator and could have limited emissions.[7] The EPA's response to this comment was to state in its Response to Comments that ''the resolution for any leaking components identified during surveys can be managed by the operator through cooperative agreements with other potential owners at the site.'' [8] The EPA has since received feedback that there are complicated site configurations and contractual arrangements that the EPA did not consider in the 2016 Rule that could prevent compliance, including situations where the third-party equipment could be made subject to the 2016 Rule based on actions made by another operator.[9] The EPA is soliciting comment on this feedback, specifically, legal and logistical issues that could prevent midstream operators, or other operators of ancillary third-party equipment, from compliance with the 2016 Rule, and suggestions for addressing this issue. The EPA additionally solicits comment on the number of contracts that would need to be renegotiated and associated burden. The EPA is further soliciting comment on whether, in light of the above, the EPA should stay or otherwise extend the phase-in period as it applies to third-party equipment on well sites until after the EPA has addressed this compliance issue.

The EPA additionally received feedback regarding technical, safety, and environmental issues associated with the delay of repair provisions in the 2016 Rule. The EPA proposed that if ''repair or replacement [of a leaking fugitive emissions component] is technically infeasible or unsafe to repair during operation of the unit, the repair or replacement must be completed during the next scheduled shutdown or

[7] See Docket ID No. EPA–HQ–OAR–2010–0505–7237.

[8] See Docket ID No. EPA–HQ–OAR–2010–0505–7632, p. 4–282.

[9] See Docket ID No. EPA–HQ–OAR–2010–0505–12245 and Docket ID No. EPA–HQ–OAR–2017–0346–0328.

within 6 months, whichever is earlier.'' 80 FR 56668, September 18, 2015. Stakeholders responded with concerns about ''delays lasting longer than six months due to availability of supplies needed to complete repairs and information regarding the frequency of delayed repairs. Some commenters also indicated that in some cases, requiring prompt repairs could lead to more emissions than if repairs were able to be delayed, for example if a well shut-in or vent blow-down is required.'' 81 FR 35858, June 3, 2016. In response to these comments, the EPA extended the time a component can be placed on delay of repair from 6 months to 2 years, and, in conjunction with this extension, added that ''however, if an unscheduled or emergency vent blowdown, compressor station shutdown, well shutdown, or well shut-in occurs during the delay of repair period, the fugitive emissions components would need to be fixed at that time.'' *Id.*

Since publication of the 2016 Rule, the EPA has received feedback that requiring repair or replacement of fugitive emissions components during unscheduled or emergency vent blowdowns could result in natural gas supply disruptions, safety concerns, and increased emissions.[10] In particular, stakeholder feedback suggests that compliance with this provision could result in prolonged shutdowns impacting natural gas supply if necessary parts and skilled labor is unavailable, and avoidable blowdowns resulting in greater emissions than the leaking component.[11] This feedback additionally indicates that these events may not necessarily result in the blowdown of all equipment located onsite and, thus, the equipment needing repair may not have been affected by the blowdown.[12] [13] The EPA is soliciting comment on this feedback, specifically, the shutdown, shut-in, or blowdown scenarios that result in the technical, safety, and environmental issues described, and suggestions for addressing these issues. The EPA is further soliciting comment on whether, in light of the above, the EPA should stay or otherwise extend the phase-in period as it applies to equipment requiring delay of repair at well sites and compressor stations until after the EPA has addressed this compliance issue.

B. Well Site Pneumatic Pump Requirements

The EPA proposed to stay for 2 years the requirements for well site pneumatic pump standards while it reconsiders the technical infeasibility exemption and the definition of ''greenfield site.'' 82 FR 27647, June 16, 2017. The EPA acknowledges that the technical infeasibility exemption that the EPA finalized in the 2016 Rule adopted a different approach than previously applied to the oil and gas industry and created an unanticipated and unnoticed distinction between ''greenfield'' (new development) and ''non-greenfield'' sites. For a discussion on the technical infeasibility exemption provided in the 2016 Rule, please see 81 FR 35844–5, June 3, 2016. Some stakeholders have suggested that this distinction has caused confusion among owners and operators on what sites qualify for the technical infeasibility exemption. The EPA received stakeholder feedback that some owners and operators may have been unintentionally restricted in the design of new sites that, for technical reasons, could not employ controls or processes for certain pneumatic pump installations. The EPA is soliciting comment on technical constraints of new ''greenfield'' sites and specific site designs such as these which present challenges in implementing the well site pneumatic pump requirements in the 2016 Rule. The EPA is, therefore, soliciting comment on extending the phase-in period for 2 years, the time period the EPA estimates its reconsideration process and the issuance of the resulting rule would take, so that the EPA may provide the necessary clarification or revision in conjunction with its reconsideration process, thereby addressing all issues in one rulemaking. The EPA is also soliciting comment on extending the phase-in period and the appropriate length of the phase-in period for the well site pneumatic pump requirements as an alternative to the proposed stay of these requirements.

C. Professional Engineering Certification Requirements

The EPA proposed to stay for 2 years the requirement for closed vent system certification by professional engineer while the EPA evaluates the benefits, as well as the cost and other compliance burden, associated with this requirement. 82 FR 27647, June 16, 2017. Such costs and associated burden are significant in light of the number of affected sources. Based on the EPA's estimates, approximately 16,000 affected sources (*i.e.,* pneumatic pumps, compressors, and storage vessels) came online between the proposed rule and the final 2016 Rule, not counting those that have and will come online since. The EPA received feedback that owners and operators had to reanalyze and potentially redesign the closed vent systems in order to meet this certification requirement. Subsequent to the proposed stay, the EPA received feedback from some stakeholders that owners and operators have struggled to obtain professional engineers to complete these certifications primarily because of a shortage of professional engineers certified in each state of operation with experience in the design of these systems. In light of this, the EPA is soliciting comment on the availability of professional engineers qualified in each state of operation and experienced in the oil and gas field and the costs associated with completing the certification requirements in the 2016 Rule. The EPA additionally solicits comment on the costs of reanalyzing and redesigning sites in order to comply with the requirements of the 2016 Rule. Lastly, in light of the challenges described above, the EPA is soliciting comment on providing a period to phase in this certification period as an alternative to staying this requirement. The EPA emphasizes that the proposed stay for this certification requirement would not affect sources' obligation to meet the underlying applicable emission standards during that time frame. As explained above, this certification requirement is not an emission standard, but a compliance measure to provide additional assurance that the emission standards are being met.

IV. Estimated Cost Savings, Forgone Benefits, and Net Benefits of the Proposed Stay

Since the June 16, 2017, proposal, the EPA has updated the economic analysis presented in the proposed stay to include estimates of the forgone benefits associated with the proposed rule. In addition, the updated analysis reflects a revised time frame and corrects a technical error in the calculation of cost savings, resulting in a minor increase in cost savings associated with the proposed rule. The previous analysis assumed that the proposed 2-year stay would cover the time period from September 2017 through September 2019. As September has passed, the analysis has been updated to reflect a time frame beginning in January 2018 and ending in December 2019.

[10] See Docket ID No. EPA–HQ–OAR–2017–0346–0328 and Docket ID No. EPA–HQ–OAR–2010–0505–12245.

[11] *Id.*

[12] *Id.*

[13] Blowdown refers to the release of entrained gas from equipment that causes a reduction in system pressure or a complete depressurization. For example, a blowdown may occur to reduce line pressure and discharge gas to ensure safe working conditions during maintenance and repair activities.

The present value of the updated cost savings of the proposed stay are $270 million at a discount rate of 7 percent and $280 million at a discount rate of 3 percent. The present value of the forgone climate benefits using the domestic social cost of methane estimates are $11 million at 7 percent and $37 million at 3 percent. The present value of net benefits is $250 million at 7 percent, and $240 million at 3 percent.

The equivalent annualized values of the cost savings are $100 million per year when using a 7-percent discount rate and $99 million per year using a 3-percent discount rate. The equivalent annualized values are the annualized present values, or the even flow of the present values, over the years affected by the proposal. The equivalent annualized value of the forgone climate benefits is $4.3 million per year at 7 percent and $13 million per year at 3 percent. The equivalent annualized value of net benefits is $97 million per year at 7 percent, and $86 million per year at 3 percent. Please see the memorandum ''Estimated Cost Savings and Forgone Benefits Associated with the Proposed Rule, Oil and Natural Gas: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements'' available in Docket ID No. EPA–HQ–OAR–2010–0505 for details.

Dated: November 1, 2017.

E. Scott Pruitt,

Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2017–0346; FRL–9970–56–OAR]

RIN 2060–AT65

Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of data availability.

SUMMARY: The Environmental Protection Agency (EPA) is issuing this notice of data availability (NODA) in support of the proposed rule titled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements,'' which was published on June 16, 2017. In this document, the EPA is providing additional information on topics raised by stakeholders and is soliciting comment on the information presented.

DATES: Comments must be received on or before December 8, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2017–0346, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Mr. Peter Tsirigotis, Sector Policies and Programs Division (D205–01), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (888) 627–7764; email address: *airaction@epa.gov.*

SUPPLEMENTARY INFORMATION:

Organization of This Document. The information presented in this document is organized as follows:

I. Background

On June 16, 2017, the EPA proposed to stay for 2 years certain requirements that are contained within the final rule titled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources,'' published in the **Federal Register** at 81 FR 35824, June 3, 2016 (2016 Rule). This action proposed to stay the fugitive emissions requirements, the well site pneumatic pump requirements, and the requirements for certification of closed vent systems by a professional engineer for 2 years, in order to provide the EPA with sufficient time to propose, take public comment on, and issue a final action on the issues concerning the specific requirements on which the EPA has granted reconsideration. 82 FR 27645, June 16, 2017.

The 2-year proposed stay, if finalized as proposed, would likely be determined to be a major rule under the Congressional Review Act. Therefore, the 2-year stay would not take effect until 60 days after publication or after Congress receives the rule report, whichever is later. To avoid such a potential delay, the EPA concurrently proposed on June 16, 2017, a 3-month stay which would not qualify as a major rule and could become effective upon publication. 82 FR 27641. As such, the legal and factual basis for the shorter stay are the same as those for the proposed longer stay, except that the shorter stay is intended to cover only the period before the longer stay takes effect should the EPA finalize both rules.

Subsequent to the June 16, 2017, proposals (82 FR 27641 and 82 FR 27645), the Agency has heard a broad range of questions, concerns, and constructive suggestions from stakeholders on how the proposed stays could be improved. Since the legal and factual basis for both the proposed shorter and longer stays are the same, this feedback is relevant to both proposals. Therefore, we are issuing a NODA regarding this feedback in both rulemakings. Similar to the NODA for the proposed 2-year stay also published today, this NODA for the proposed 3-month stay is not intended to address all of the issues that have been raised. Rather, the purpose of this document is to describe and seek comment on several ideas with respect to the proposed stay raised by stakeholders that may go beyond those for which the Agency sought comment in the June 16, 2017, proposals. In this document, we describe the specific issues and ideas raised by stakeholders and explain which of those ideas we consider to be within or possibly beyond the scope of comment already requested. The purpose of this document is to bring these ideas to the attention of other stakeholders and the public so that they may also provide comments to assist in developing a final rule.

The feedback the EPA has received since proposing the stays relates to the EPA's legal authority to stay these requirements and lack of clarity and other challenges in implementing these three requirements. With respect to the implementation challenges, the commenters recommend, as an alternative to the proposed stays, that the EPA amend the 2016 Rule to extend the periods currently provided in the 2016 Rule for establishing the necessary infrastructure and phasing in the requirements for conducting the initial monitoring survey of fugitive emissions and for routing well site pneumatic pump emissions to onsite controls or processes. The feedback similarly suggests the need for a phase-in period to allow a scale-up of the number of qualified professional engineers to meet the demand imposed by the 2016 Rule. The EPA is soliciting comments on this recommendation. Specifically, the EPA is soliciting relevant data and information, in particular those related to the EPA's analyses and assumptions that were used to establish the phase-in periods in the 2016 Rule, to help inform the EPA why the appropriate duration of these periods may have been underestimated, as the feedback suggests. Further, with respect to the requirement for certification of closed vent systems by a professional engineer, while in the preamble to the 2015 proposed new source performance standards (NSPS) the EPA had suggested such certification as a potential remedy where a storage vessel is improperly designed,[1] the final 2016 Rule requires such certification for demonstrating compliance with not only the storage vessel emission standards, but a number of other emission standards, thereby affecting a large number of affected sources.[2] According to the feedback received, the immediate high demand for qualified professional engineers to meet this certification requirement has made implementation of this requirement quite challenging. In light of the feedback, the EPA is soliciting comments, data, and any other information that would help the EPA determine whether a phase-in period for this requirement is needed and, if so, the length of such period.

As in the NODA for the proposed 2-year stay, the EPA is soliciting comment on this feedback, including whether a phase-in period would be an appropriate alternative to the proposed stay. The EPA is soliciting comment on whether a phase-in period would provide relief for implementation challenges described in this NODA and expedite regulatory certainty for owners and operators. While the comment period on the June 16, 2017, proposal for a 3-month stay closed on August 9, 2017, comments on this notice may include additional comments on statements made in that proposal.

[1] 80 FR 56649, September 18, 2015.

[2] 40 CFR 60.5411a(d).

II. Legal Authority

The EPA received comments from stakeholders on our legal authority to stay these requirements or otherwise amend the 2016 Rule to extend the ''phase-in'' periods currently provided in that rule.[3] See Docket ID No. EPA–HQ–OAR–2010–0505–10577. Specifically, noting that these requirements are not mandated by Clean Air Act (CAA) section 111(b)(1)(B), the commenter interprets CAA section 111 as authorizing the EPA to extend compliance deadlines or establish future compliance dates. The commenter also cites section 705 of the Administrative Procedure Act (APA) to provide the EPA authority to stay these requirements pending judicial review. The commenter interprets the term ''postpone'' in section 705 of the APA to include ''delay, defer, adjourn, shelve, table, and put on hold.'' *Id.* at 7. Lastly, the commenter argues that the EPA's general rulemaking authority under section 301(a) of the CAA authorizes a rulemaking staying these requirements because ''Congress has not written a 'clear impediment to the issuance' '' of such stay. *Id.* at 12 (citations omitted). The EPA solicits comments on these legal theories provided in this comment document. See Docket ID No. EPA–HQ–OAR–2010–0505–10577.

For the reasons stated below, the EPA has legal authority to amend the 2016 Rule to either stay certain provisions or otherwise revise certain aspects of the rule. The EPA promulgated the 2016 Rule pursuant to section 111(b)(1)(B) of the CAA in accordance with the notice-and-comment rulemaking procedures under section 307(d) of the CAA. 81 FR 35828, June 3, 2016. The EPA is using the same statutory authority and following the same procedures in the present rulemaking to amend the 2016 Rule to stay certain requirements for 3 months (as described in the June 16, 2017, notice) or make the suggested changes to aspects of these requirements as described in this action (*i.e.,* extension or provision of ''phase-in'' periods). In addition, section 301(a) of the CAA provides the Agency with broad authority to prescribe regulations, including revisions to prior rulemakings, as necessary to carry out the Administrator's authorized functions under the statute. ''The power to decide in the first instance carries with it the power to reconsider.'' *Trujillo* v. *Gen. Elec. Co.,* 621 F.2d 1084, 1086 (10th Cir. 1980); see also, *United Gas Improvement Co.* v. *Callery Properties, Inc.,* 382 U.S. 223, 229 (1965); *Mazaleski* v. *Treusdell,* 562 F.2d 701, 720 (D.C. Cir. 1977).

Section 111 of the CAA requires the EPA to list a source category under that section if, ''in [the EPA Administrator's] judgment it causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' Once a source category is listed, CAA section 111(b)(1)(B) requires that the EPA promulgate ''standards of performance'' for new sources in such source category. In addition, CAA section 111(b)(1)(B) requires the EPA to ''at least every 8 years review and, if appropriate, revise'' performance standards unless the ''Administrator determines that such review is not appropriate in light of readily available information on the efficacy'' of the standard. In 1979, the EPA published a list of source categories, including Oil and Natural Gas, under section 111(b) of the CAA. See *Priority List and Additions to the List of Categories of Stationary Sources,* 44 FR 49222 (August 21, 1979) (''1979 Priority List''). In 1985, the EPA promulgated NSPS for this source category that addressed volatile organic compound(s) (VOC) emissions from leaking components at onshore natural gas processing plants (40 CFR part 60, subpart LLL) and sulfur dioxide emissions from natural gas processing plants (40 CFR part 60, subpart KKK). In 2012, the EPA conducted its required review under CAA section 111(b)(1)(B), and promulgated NSPS subpart OOOO, which included updates to subparts KKK and LLL standards, as well as additional VOC standards for this source category.

In addition to the mandatory obligations described above, the EPA has discretion under CAA section 111(b)(1)(B) to add new standards of performance for additional pollutants or emission sources not previously covered concurrent with, or independent of, the 8-year review. Pursuant to section 111(b)(1)(B) of the CAA, the EPA has promulgated new performance standards for previously unregulated sources concurrent with the 8-year review. See, *e.g.,* 71 FR 9866 (February

[3] While this document specifically addresses the proposed 2-year stay (82 FR 27645, June 16, 2017), it is discussing the EPA's legal authority to stay a rule and, as such, is relevant to the proposed 3-month stay.

27, 2006) (new particular matter standards for boilers); 73 FR 35838 (June 24, 2008) (new nitrogen oxide standards for additional sources at refineries); 77 FR 49490 (August 16, 2012) (new VOC standards for additional sources at oil and gas facilities). However, the appropriate time for promulgating such new standards may not always align with the 8-year review cycle. See, *e.g.,* 73 FR 35838, 35859. (The EPA did not promulgate performance standards for greenhouse gas emissions as part of the 8-year review of the NSPS for refineries because the Agency was still in the process of gathering information and reviewing controls.) While the EPA could conduct the required periodic review sooner than every 8 years, which would potentially allow the EPA to conduct the review and set additional standards concurrently, the EPA does not believe that the schedule for the statutorily required review should be driven by the timing for promulgating additional performance standards that are discretionary. On the other hand, there is no reason that the EPA's authority and discretion to promulgate such standards should be constrained by the timing of the 8-year review. The EPA, therefore, reasonably interprets CAA section 111(b)(1)(B) to allow the Agency to exercise its discretion to promulgate new performance standards for additional sources or pollutants when appropriate (concurrent with or independent of the 8-year review).

Pursuant to this authority under section 111(b)(1)(B) of the CAA, the EPA promulgated the 2016 Rule which contained, among other things, a number of new performance standards for emission sources not previously covered, including the fugitive emissions components at well sites and compressor stations, as well as pneumatic pumps at well sites.[4] The EPA promulgated the fugitive emissions requirements for well sites and compressor stations pursuant to section 111(h) of the CAA, which authorizes the EPA to set a design, equipment, work practice, or operational standard where it is not technically feasible to prescribe or enforce an emission standard. 80 FR 56593, 56637 (September 18, 2015). A work practice standard generally consists of a set of activities that sources must perform and a time period for completing the activities. See, *e.g.,* 40 CFR 60.632 (180 days from initial startup to comply with the requirements to detect and repair leaks at onshore oil and natural gas processing plants). Similar to existing work practice standards, the fugitive emissions requirements in the 2016 Rule specify a set of activities (*e.g.,* developing an emission monitoring plan, conducting initial and subsequent surveys, repair or replacement, and resurvey of fugitive emissions components according to the plan) and time frames for performing the activities. 40 CFR 60.5397a. Specifically, the 2016 Rule specifies a period of time (*i.e.,* until June 3, 2017, or 60 days after starting up production, whichever is later) for sources to establish the necessary infrastructure, develop a monitoring plan, secure the required personnel and equipment, and conduct the initial monitoring survey of fugitive emissions components at well sites and compressor stations. 81 FR 35858–9 and 35863.

The 2016 Rule similarly did not establish an emission limit for well site pneumatic pumps, but instead requires that emissions from well site pneumatic pumps be routed to an available control or process onsite, unless a qualified professional engineer certifies that it is not technically feasible to do so. As with the fugitive emissions requirements, the 2016 Rule similarly provided a period of time (until November 30, 2016) for owners and operators to conduct the ground work required for routing well site pneumatic pumps to an available onsite control or process (or, if it is not technically feasible to do so, for obtaining a certification by a qualified engineer of the technical infeasibility). 81 FR 35859, June 3, 2016.

The 2016 Rule also added a requirement that all closed vent systems routing emissions from storage vessels, compressors, and pneumatic pump affected facilities be certified by a qualified professional engineer. This certification requirement is not an emission standard under CAA section 111(a)(1) or a design, equipment, work practice, or operational standard under CAA section 111(h); it is a compliance measure that would provide additional assurance that sources are meeting the emission standards for storage vessels, compressors, and pneumatic pumps. Some of these emission standards, such as those for storage vessels and compressors, were promulgated in 2012 under section 111(b)(1)(B) of the CAA.

Through the two June 16, 2017, actions, the EPA is proposing to amend the 2016 Rule to stay for 3 months and 2 years, respectively, the fugitive emissions requirements, the well site pneumatic pump requirements, and the certification requirement described above. Since then, the EPA has received suggestions that, instead of staying these requirements, the EPA extend the current phase-in periods for the fugitive emissions requirements and well site pneumatic pump requirements, as well as providing one for the requirement for certification of closed vent systems by a professional engineer. Agencies have inherent authority to reconsider past decisions and to revise, replace, or repeal a decision to the extent permitted by law and supported by a reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual Auto. Ins. Co.,* 463 U.S. 29, 42 (1983) (''*State Farm*''). This includes a decision regarding the appropriate length of the phase-in periods provided in the 2016 Rule for specific requirements, as well as whether to provide one for phasing in an additional compliance assurance measure, or whether to stay these three requirements at issue while they are being revised through rulemaking.

Section 301(a) of the CAA provides the EPA with broad rulemaking authority to carry out the CAA. Notwithstanding the potential constraint that other parts of the CAA may have on the EPA's authority to stay a rule pursuant to section 301(a), See *Natural Resources Defense Council, Inc.* v. *Reilly,* 976 F.2d 36, 41 (D.C. Cir. 1992), there is no such constraint here with respect to staying the fugitive emissions requirements, the well site pneumatic pump requirements, and the certification requirement in the 2016 Rule, the promulgation of which was discretionary and not compelled by CAA section 111(b)(1)(B). In a case analyzing a similar general rulemaking authority granted to the Federal Reserve Board by the Truth in Lending Act, the Supreme Court held quite broadly that, where ''the empowering provision of a statute states simply that an agency may make such rules and regulations as necessary to carry out the provisions of an act, the validity of a regulation promulgated thereunder will be sustained so long as it is 'reasonably related to the purposes of the enabling legislation.' '' *Mourning* v. *Family Publications Service, Inc.,* 411 U.S. 356, 369 (1973) (quoting *Thorpe* v. *Housing Authority of City of Durham,* 393 U.S. 268, 280–81 (1969)). In a CAA section 301(a) case, the District of Columbia Circuit Court of Appeals held that CAA section 301(a) authorizes the EPA to use rulemaking to issue the enhanced vehicle inspection and maintenance programs guidance under section 182 of the CAA. *Natural Res. Def. Council, Inc.*

[4] The 2016 Rule also includes standards for reducing methane emissions from the oil and natural gas sector, as well as revisions to the previously promulgated Oil and Natural Gas NSPS (40 CFR part 60, subpart OOOO).

v. *EPA,* 22 F.3d 1125 (D.C. Cir. 1994). Noting the absence of any provision in CAA section 182 preventing issuing such guidance through rulemaking, the Court deferred to the Agency's determination that the regulation was necessary as long as it provided a reasoned explanation. *Id.* at 1148.

The EPA's proposed stay of the three requirements at issue, as well as the stakeholder-suggested extension or provision of ''phase-in'' periods for these requirements, is consistent with the purposes of the CAA and, therefore, authorized under section 301(a) of the CAA. The EPA promulgated these requirements for purposes of achieving meaningful emission reductions under the regulatory schemes established in the 2016 Rule to complement other emission reduction efforts and address certain challenges (*e.g.,* technical infeasibility and time needed for building up for necessary equipment and trained personnel). For instance, the EPA promulgated both the fugitive emissions requirements and a process for applying and obtaining an alternative means of emissions limitations (AMEL) with the clear intent to achieve emission reductions from currently uncontrolled sources while still allowing sources subject to effective existing state fugitive emissions programs an avenue to continue implementing such programs, as well as to encourage the use of innovative technology. Therefore, in promulgating the fugitive emissions requirements, the EPA clearly intended and anticipated the implementation of alternatives in lieu of such requirements. However, stakeholders indicated that this purpose of the 2016 Rule was frustrated by the fact that the current AMEL provisions are not sufficiently clear to allow sources to take advantage of them. Stakeholders suggested that further revision or clarification would be required before sources can apply and obtain approval to use an innovative technology or implement their current state program in lieu of the 2016 Rule requirements. The EPA received input from stakeholders stating that without staying the fugitive emissions requirements pending the EPA's reconsideration, the regulated entities would incur significant and potentially unnecessary additional costs and compliance burden to implement the 2016 Rule, and, in some cases, at the expense of disrupting or complicating compliance with applicable state programs, just to later revert back to what they were doing in the first place. These were the consequences that the EPA sought to avoid by promulgating the AMEL in the 2016 Rule. While not all states have fugitive emissions programs, considering that many states with high oil and gas production do have such programs in place,[5] it is not clear that the marginal additional emission reductions achieved during the EPA's reconsideration process outweigh the potential disruption to existing state programs and company-specific programs. In light of the discussion above, the EPA believes that the proposed stay of the fugitive emissions requirements pending its reconsideration process is reasonable and authorized under sections 111 and 301 of the CAA.

With respect to the well site pneumatic pump requirements, the 2016 Rule acknowledges that routing the pneumatic pump emissions to an available onsite control or process may not always be technically feasible and, therefore, provides a technical infeasibility exemption for such routing except for pneumatic pumps located at a ''greenfield site.'' However, some sources could not tell based on the 2016 Rule definition of ''greenfield site,'' which was not proposed for notice and comment, whether they are ''greenfield sites,'' even though they are encountering technical infeasibility, and, therefore, risk being in noncompliance. Delaying these requirements until the EPA resolves this potential problem through its reconsideration process is consistent with the 2016 Rule to require emission reductions from well site pneumatic pumps only where it is technically feasible to do so.

Lastly, as mentioned above, the closed vent certification by professional engineer requirement is a compliance measure included in the 2016 Rule to provide additional assurance that sources are meeting the emission standards for a wide range of equipment, some of which have been in place since 2012. The EPA granted reconsideration of this requirement because the EPA had not considered its cost and whether the additional assurance justifies such expenditure. The EPA's proposed stay while conducting this evaluation is clearly consistent with section 111 of the CAA, which expressly identifies cost as a factor for consideration when promulgating emission standards. See CAA section 111(a)(1).

For the reasons stated above, both the proposed stay and the suggestion by stakeholders to extend (or provide) the phase-in periods are lawful exercises of the EPA's statutory authority and discretion under the CAA. The EPA solicits comment on the EPA's legal authorities for taking these actions. In addition, as mentioned above, the EPA solicits comment on stakeholder input[6] on the EPA's legal authorities to take these actions.

[5] Including California, Colorado, North Dakota, Ohio, Pennsylvania, Texas, Utah, and Wyoming.

III. Stakeholder Input on Sources' Ability To Implement Requirements

In the June 16, 2017, proposal for the 3-month stay, the EPA referenced the proposed 2-year stay, in which the EPA explained that it is proposing to stay the requirements at issue pending reconsideration due to its concern that sources should not be compelled to comply with these requirements pending the EPA's reconsideration of issues associated with these requirements, as these issues impact the ability of a wide range of sources to achieve and show compliance with their applicable standards. 82 FR 27642; 82 FR 27646–8, June 16, 2017. As explained above, unlike the proposed 2-year stay, the 3-month stay was not intended to reflect the time for completing the reconsideration process or to resolve the implementation issues discussed in this NODA, but rather to help avoid a delay for the proposed longer stay to take effect; otherwise, the legal and factual bases for the stay in both proposed actions are the same. Therefore, as in the NODA for the 2-year stay, the EPA similarly solicits comments on the legal and factual bases for the proposed 3-month stay, as well as comments and information on the challenges raised in the feedback received since proposing the stay.

Since proposing to stay the requirements pending reconsideration, the EPA received feedback from some stakeholders indicating that there are additional issues affecting sources' ability to implement the above mentioned requirements besides those for which the EPA has granted reconsideration.[7] Some stakeholders suggested that the EPA should amend the 2016 Rule by extending the ''phase-in'' periods provided in the 2016 Rule for a build-up of the number of trained personnel (*i.e.,* certified monitoring survey contractors, qualified professional engineers) and equipment (*i.e.,* monitoring instruments) required to meet the demand imposed by the fugitive emissions requirements and the well site pneumatic pump requirements.

[6] See, for example, Docket ID No. EPA–HQ–OAR–2010–0505–10577 and Docket ID No. EPA–HQ–OAR–2017–0346–0329.

[7] See, for example, Docket ID No. EPA–HQ–OAR–2010–0505–11108 and Docket ID No. EPA–HQ–OAR–2010–0505–12337.

The EPA had anticipated that during these periods, ''sources will begin to phase in these requirements as additional devices and personnel become available.'' 81 FR 35859 and 35863. As in the NODA for the proposed 2-year stay, we similarly solicit comment on whether more time (and how much more) is needed for ''phasing in'' these requirements. In addition, the EPA solicits comments in this NODA on whether an extension of these phase-in periods rather than the stay for 3 months would provide more certainty to the regulated community should there be a delay before the longer stay (or extension), if finalized, would take effect. Some stakeholders suggested that these concerns may also exist with respect to other provisions requiring professional engineer certifications.

As mentioned above, the EPA previously anticipated that some of these issues might be present for a more limited period and, therefore, provided in the 2016 Rule a ''phase-in'' period for both the fugitive emissions requirements and the pneumatic pump requirements. 81 FR 35851, 35858–9, 35863, June 3, 2016. Specifically, in regards to the fugitive emissions requirements, in light of the large number of sources, the EPA concluded that time was needed to allow an increase in production of the required equipment and scale-up of trained personnel, as well as for sources to establish the groundwork and secure the necessary monitoring equipment and personnel. The 2016 Rule, therefore, provided a ''phase-in'' period by allowing sources to conduct initial monitoring by June 3, 2017, or within 60 days after production starts, whichever is later. 81 FR 35858–9, 35863, June 3, 2016. Some stakeholders suggested that some sources continue to have difficulty securing the necessary equipment and/or personnel to conduct the required monitoring survey of fugitive emissions. For a similar reason, the 2016 Rule provided a phase-in period until November 30, 2016, to connect well site pneumatic pumps to an existing control or process onsite. 81 FR 35851, June 3, 2016.

However, some stakeholders suggested that the time provided in the 2016 Rule may not have been adequate to accommodate the number of affected sources subject to these requirements. In addition, some stakeholders indicated that sources that must now comply with these requirements upon startup may be particularly affected by these challenges. Therefore, the EPA solicits comment and information on these challenges that sources are experiencing in carrying out these requirements. Further, the EPA is soliciting comment on whether, in light of the numerous ongoing compliance issues, the EPA should amend the above mentioned phase-in periods in the 2016 Rule instead of simply staying the requirements. The EPA additionally is soliciting comment on the appropriate length of a phase-in period to address the challenges sources are experiencing in carrying out the requirements in the 2016 Rule.

Some stakeholders suggested that the challenges regarding acquiring necessary equipment and trained personnel may also exist with respect to the requirement of certification of closed vent systems by a professional engineer. We note that the 2016 Rule does not have a phase-in period associated with the closed vent system certification by professional engineer requirement, which must be met by a wide range of sources (*i.e.,* storage vessels, compressors, and pneumatic pumps), even though the EPA acknowledged that securing such professional engineer certification may take time. 81 FR 35851, June 3, 2016. The EPA, therefore, solicits comment on whether time (and how much) should be provided to allow a further building up of the number of professional engineers experienced in these requirements to meet the demand posed by this certification requirement.

A stay would mean that sources do not have to comply while the stay is in place. It would not, however, change any dates in the 2016 Rule. This could create some uncertainty for sources regarding their obligations upon expiration of the stay. A change to the phase-in periods (or the addition of such a period where the rule does not currently provide one) could provide greater certainty to sources. In light of this, the EPA solicits comment on whether it is more appropriate to extend the phase-in periods in lieu of issuing a 3-month stay. The EPA additionally solicits comment on whether a phase-in period will provide additional relief and certainty to the regulated community. As mentioned above, the EPA solicits comment on the appropriate length of time needed to address the challenges sources are experiencing in carrying out these requirements in the 2016 Rule and the suggestion to extend the ''phase-in'' periods established in the 2016 Rule for the fugitive emissions requirements and the well site pneumatic pump requirements, as well as the suggestion to provide a phase-in period for the requirement for certification of closed vent systems by a professional engineer.

A. Fugitive Emissions Requirements

The EPA proposed to stay the fugitive emissions requirements at well sites and compressor stations while it reconsiders the process and criteria for requesting and receiving approval for the use of an AMEL and the applicability of the fugitive emissions requirements to low production well sites. 82 FR 27642–3 and 27646, June 16, 2017. These issues determine the universe of sources that must implement the fugitive emissions requirements. 82 FR 27646. The EPA has received feedback from some stakeholders that securing certified monitoring survey contractors and monitoring instruments has been more difficult than predicted, and, therefore, the EPA is soliciting comment on the availability of contractors and monitoring instruments, and the impact on owners and operators complying with the requirements of the 2016 Rule. The EPA is soliciting comment on extending the phase-in period and the appropriate length of the phase-in period to allow for an adequate build-up of the personnel and equipment required for meeting the fugitive emissions requirements. Specifically, the EPA solicits comment on whether the impact of this requirement and any feasibility issues are relevant to few sources or a systemic issue related to many sources.

The EPA also received feedback regarding the applicability of the fugitive emissions requirements to third-party equipment at well sites which is ancillary to production (*e.g.,* equipment such as meters owned by midstream operators). The 2016 Rule requires that all fugitive emissions components at a well site be monitored and repaired, but there has been confusion as to the appropriate scope of components that are included in the definition of the well site for the fugitive emissions requirements. During the public comment period on the 2016 Rule, the EPA received feedback that ancillary midstream assets (*e.g.,* meters) should be excluded from the fugitive emissions requirements because they are owned by legally distinct companies from the well site owner and operator and could have limited emissions.[8] The EPA's response to this comment was to state in its Response to Comments that ''the resolution for any leaking components identified during surveys can be managed by the operator through cooperative agreements with other potential owners at the site.'' [9] The EPA

[8] See Docket ID No. EPA–HQ–OAR–2010–0505–7237.

[9] See Docket ID No. EPA–HQ–OAR–2010–0505–7632, p. 4–282.

has since received feedback that there are complicated site configurations and contractual arrangements that the EPA did not consider in the 2016 Rule that could prevent compliance, including situations where the third-party equipment could be made subject to the 2016 Rule based on actions made by another operator.[10] The EPA is soliciting comment on this feedback, specifically, legal and logistical issues that could prevent midstream operators, or other operators of ancillary third-party equipment, from compliance with the 2016 Rule, and suggestions for addressing this issue. The EPA additionally solicits comment on the number of contracts that would need to be renegotiated and associated burden. The EPA is further soliciting comment on whether, in light of the above, the EPA should stay or otherwise extend the phase-in period as it applies to third-party equipment on well sites until after the EPA has addressed this compliance issue.

The EPA additionally received feedback regarding technical, safety, and environmental issues associated with the delay of repair provisions in the 2016 Rule. The EPA proposed that if ''repair or replacement [of a leaking fugitive emissions component] is technically infeasible or unsafe to repair during operation of the unit, the repair or replacement must be completed during the next scheduled shutdown or within 6 months, whichever is earlier.'' 80 FR 56668, September 18, 2015. Stakeholders responded with concerns about ''delays lasting longer than six months due to availability of supplies needed to complete repairs and information regarding the frequency of delayed repairs. Some commenters also indicated that in some cases, requiring prompt repairs could lead to more emissions than if repairs were able to be delayed, for example if a well shut-in or vent blow-down is required.'' 81 FR 35858, June 3, 2016. In response to these comments, the EPA extended the time a component can be placed on delay of repair from 6 months to 2 years, and, in conjunction with this extension, added that ''however, if an unscheduled or emergency vent blowdown, compressor station shutdown, well shutdown, or well shut-in occurs during the delay of repair period, the fugitive emissions components would need to be fixed at that time.'' *Id.*

Since publication of the 2016 Rule, the EPA has received feedback that requiring repair or replacement of fugitive emissions components during unscheduled or emergency vent blowdowns could result in natural gas supply disruptions, safety concerns, and increased emissions.[11] In particular, stakeholder feedback suggests that compliance with this provision could result in prolonged shutdowns impacting natural gas supply if necessary parts and skilled labor is unavailable, and avoidable blowdowns resulting in greater emissions than the leaking component.[12] This feedback additionally indicates that these events may not necessarily result in the blowdown of all equipment located onsite and, thus, the equipment needing repair may not been affected by the blowdown.[13] [14] The EPA is soliciting comment on this feedback, specifically, the shutdown, shut-in, or blowdown scenarios that result in the technical, safety, and environmental issues described, and suggestions for addressing these issues. The EPA is further soliciting comment on whether, in light of the above, the EPA should stay or otherwise extend the phase-in period as it applies to equipment requiring delay of repair at well sites and compressor stations until after the EPA has addressed this compliance issue.

As the need for a proposed 3-month stay is contingent upon the EPA concluding that either a 2-year stay or an extension of the phase-in period is warranted, the comments that the EPA is soliciting are equally relevant to this rulemaking. In addition, the EPA solicits comment on whether the potential delay is better addressed through a short stay or extension of the current phase-in period.

B. Well Site Pneumatic Pump Requirements

The EPA proposed to stay the requirements for well site pneumatic pump standards while it reconsiders the technical infeasibility exemption and the definition of ''greenfield site.'' 82 FR 27647, June 16, 2017. The EPA acknowledges that the technical infeasibility exemption that the EPA finalized in the 2016 Rule adopted a different approach than previously applied to the oil and gas industry and created an unanticipated and unnoticed distinction between ''greenfield'' (new development) and ''non-greenfield'' sites. For a discussion on the technical infeasibility exemption provided in the 2016 Rule, please see 81 FR 35844–5, June 3, 2016. Some stakeholders have suggested that this distinction has caused confusion among owners and operators on what sites qualify for the technical infeasibility exemption. The EPA received stakeholder feedback that some owners and operators may have been unintentionally restricted in the design of new sites that, for technical reasons, could not employ controls or processes for certain pneumatic pump installations. The EPA is soliciting comment on technical constraints of new ''greenfield'' sites and specific site designs such as these which present challenges in implementing the well site pneumatic pump requirements in the 2016 Rule. The EPA is, therefore, soliciting comment on extending the phase-in period for 2 years, the time period the EPA estimates its reconsideration process and the issuance of the resulting rule would take, so that the EPA may provide the necessary clarification or revision in conjunction with its reconsideration process, thereby addressing all issues in one rulemaking. As the need for a proposed 3-month stay is contingent upon the EPA concluding that either a 2-year stay or an extension of the phase-in period is warranted, the comments that the EPA is soliciting are equally relevant to this rulemaking. In addition, the EPA solicits comment on whether the potential delay is better addressed through a short stay or extension of the current phase-in period. The EPA is also soliciting comment on extending the phase-in period and the appropriate length of the phase-in period for the well site pneumatic pump requirements as an alternative to the proposed stay of these requirements.

C. Professional Engineering Certification Requirements

The EPA proposed to stay the requirement for closed vent system certification by professional engineer while the EPA evaluates the benefits, as well as the cost and other compliance burden, associated with this requirement. 82 FR 27647, June 16, 2017. Such costs and associated burden are significant in light of the number of affected sources. Based on the EPA's estimates, approximately 16,000 affected sources (*i.e.,* pneumatic pumps, compressors, and storage vessels) came online between the proposed rule and the final 2016 Rule, not counting those that have and will come online since.

[10] See Docket ID No. EPA–HQ–OAR–2010–0505–12245 and Docket ID No. EPA–HQ–OAR–2017–0346–0328.

[11] See Docket ID No. EPA–HQ–OAR–2017–0346–0328 and Docket ID No. EPA–HQ–OAR–2010–0505–12245.

[12] *Id.*

[13] *Id.*

[14] Blowdown refers to the release of entrained gas from equipment that causes a reduction in system pressure or a complete depressurization. For example, a blowdown may occur to reduce line pressure and discharge gas to ensure safe working conditions during maintenance and repair activities.

The EPA received feedback that owners and operators had to reanalyze and potentially redesign the closed vent systems in order to meet this certification requirement. Subsequent to the proposed stay, the EPA received feedback from some stakeholders that owners and operators have struggled to obtain professional engineers to complete these certifications primarily because of a shortage of professional engineers certified in each state of operation with experience in the design of these systems. In light of this, the EPA is soliciting comment on the availability of professional engineers qualified in each state of operation and experienced in the oil and gas field and the costs associated with completing the certification requirements in the 2016 Rule. The EPA additionally solicits comment on the costs of reanalyzing and redesigning sites in order to comply with the requirements of the 2016 Rule. Lastly, in light of the challenges described above, the EPA is soliciting comment on providing a period to phase in this certification period as an alternative to staying this requirement. As the need for a proposed 3-month stay is contingent upon the EPA concluding that either a 2-year stay or a provision of a phase-in period is warranted, the comments that the EPA is soliciting are equally relevant to this rulemaking. In addition, the EPA solicits comment on whether the potential delay is better addressed through a short stay or provision of a phase-in period. The EPA emphasizes that neither the proposed stay (or, in the alternative, provision of a phase-in period) for this certification requirement would affect sources' obligation to meet the underlying applicable emission standards during that time frame. As explained above, this certification requirement is not an emission standard, but a compliance measure to provide additional assurance that the emission standards are being met.

Dated: November 1, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–24341 Filed 11–7–17; 8:45 am]

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Notices

Federal Register
Vol. 82, No. 215
Wednesday, November 8, 2017

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—User Access Request Form FNS–674

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed information collection. This is an extension of a currently approved collection. The purpose of this information collection request is to continue the use of the electronic form FNS–674, titled ''User Access Request Form.'' This form will continue to allow user access to current FNS systems, as well as allow modified access or remove user access.

DATES: Written comments must be received on or before January 8, 2018.

ADDRESSES: Comments may be sent to: Joseph Binns, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 317, Alexandria, VA 22302. Comments may also be submitted via email to *Joseph.Binns@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Joseph Binns at 703–605–1181.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: User Access Request Form.

Form Number: FNS–674.

OMB Number: 0584–0532.

Expiration Date: 3/31/2018.

Type of Request: Extension of a currently approved collection.

Abstract: Form FNS–674 is designed to collect user information required to gain access to FNS Information Systems.

Affected Public: Contractors, State Agencies.

Estimated Number of Respondents: 2,700.

The respondents are State agencies, who are located in the 50 states and Trust Territories, staff contractors and Federal employees. Respondents who require access to the FNS systems are estimated at 3,600 annually (includes Federal, State and private) however, only 2,700 will account for the total public burden, excluding Federal employees. FNS estimates that it will receive an average of 300 requests per month (15 per day). Of the 300, 70 percent (or 210) of the responses are State Agency users, 5 percent (or 15) are staff contractors and 25 percent (or 75) are Federal employees which is not included in the total number of responses. Annually, that results in 2,700 respondents (210 State Agency users per month + 15 staff contractors per month × 12 months).

Estimated Number of Responses per Respondent: 1.9.

Estimated Total Annual Responses: 5,220.

Estimated Time per Response: 0.167 of an hour. Each respondent takes approximately 0.167 of an hour, or 10 minutes, to complete the required information on the online form.

Estimated Total Annual Burden on Respondents: 870 hours. See the table below for estimated total annual burden for each type of respondent.

REPORTING BURDEN

Affected public	Form number	Number of respondents	Number of responses annually per respondent	Total annual responses	Estimate of burden hours per response	Total annual burden hours
Contractors	FNS–674	180	1	180	0.16667 (10 minutes).	30
State Agency Users	FNS–674	2,520	2	5,040	0.16667 (10 minutes).	840
Annualized Totals		2,700	1.9	5,220	10 minutes	870

Dated: October 23, 2017.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2017–24348 Filed 11–7–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Notice of Availability of Draft Scientific Assessment for Public Comment

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Notice of availability of draft scientific assessment for public comment.

SUMMARY: The U.S. Department of Agriculture (USDA) National Institute of Food and Agriculture (NIFA) is publishing this notice on behalf of the Carbon Cycle Interagency Working Group (CCIWG)/U.S. Carbon Cycle Science Program and the United States Global Change Research Program (USGCRP) to announce the availability of a draft assessment, the 2nd State of the Carbon Cycle Science Report (SOCCR–2), for a 60-day public review. Collected comments will be carefully reviewed by the relevant chapter author teams. Following revision and further review, a revised draft will undergo final Federal interagency clearance.

DATES: Written comments on this notice must be received by 11:59 p.m. on January 8, 2018.

ADDRESSES: Once released, the draft USGCRP 2nd State of the Carbon Cycle Report can be accessed via the USGCRP Open Notices page (*http://www.globalchange.gov/notices*) or directly at the USGCRP Review and Comment System (*https://review.globalchange.gov/*). Registration details can be found on the review site home page, and review instructions can be found on a dedicated special report page where comments from the public will be accepted electronically. Comments may be submitted only via this online mechanism.

All comments received through this process will be considered by the relevant chapter authors without knowledge of the commenters' identities. When the final assessment is issued, the comments and the commenters' names, along with the authors' responses, will become part of the public record and made available on *http://www.globalchange.gov*. Information submitted by a commenter as part of the registration process (such as an email address) will not be disclosed publicly.

Instructions: Response to this notice is voluntary. Responses to this notice may be used by the government for program planning on a non-attribution basis. USDA therefore requests that no business proprietary information or copyrighted information be submitted in response to this notice. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

FOR FURTHER INFORMATION CONTACT: *U.S. Carbon Cycle Science Program/CCIWG/USGCRP Contact:* Dr. Gyami Shrestha; email: *gshrestha@usgcrp.gov.*

SUPPLEMENTARY INFORMATION: *Context:* The U.S. Global Change Research Program (USGCRP) is mandated under the Global Change Research Act (GCRA) of 1990 to conduct a quadrennial National Climate Assessment (NCA). Under its current decadal strategic plan (*http://go.usa.gov/3qGU4*), USGCRP is building sustained assessment capacity. The sustained assessment supports the Nation's ability to understand, anticipate, and respond to risks and potential impacts brought about by global environmental change. As part of the ongoing NCA process, the 2nd State of the Carbon Cycle Report (SOCCR–2) is being developed to inform the assessment. The last (3rd) NCA (2014) (NCA3: *http://nca2014.globalchange.gov*) and the process to develop it provided a foundation for subsequent activities and reports. The SOCCR–2 assessment provides an update to the carbon cycle science information presented in the 2014 NCA and the 2007 State of the Carbon Cycle Report, a Scientific Assessment Product (SAP 2.2) that directly informed the 2nd NCA. The SOCCR–2 assessment provides updated carbon cycle science findings and projections, and is an important input to the authors of the next quadrennial NCA, expected in 2018.

The 2nd State of the Carbon Cycle Report (SOCCR–2) is a product of the U.S. Global Change Research Program (USGCRP), and is organized and led by an interagency team, the Carbon Cycle Interagency Working Group. The draft assessment was written by Federal and non-Federal authors identified via an Open Call for nominations (*www.federalregister.gov/documents/2016/02/12/2016-02927/request-for-public-engagement-in-the-interagency-special-report-2nd-state-of-the-carbon-cycle-report*). An interagency Federal Steering Committee selected authors based on their demonstrated subject matter expertise, relevant publications, and knowledge of specific topics designated in an outline included in the SOCCR–2 prospectus that can be found through a link on the SOCCR–2 (*https://www.carboncyclescience.us/state-carbon-cycle-report-soccr.* This assessment responds to the 1990 Congressional mandate to periodically produce National Climate Assessments and to assist the nation in understanding, assessing, predicting, and responding to global change. The report adheres to the Information Quality Act requirements (*http://www.cio.noaa.gov/services_programs/info_quality.html*) for quality, transparency, and accessibility as appropriate for a Highly Influential Scientific Assessment (HISA).

Done at Washington, DC, on November 3, 2017.

Sonny Ramaswamy,

Director, National Institute of Food and Agriculture.

[FR Doc. 2017–24347 Filed 11–7–17; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service (RHS) and Rural Business-Cooperative Service (RBS), USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the above-named Agencies to request an extension for the currently approved information collection in support of the servicing of Community and Direct Business Programs Loans and Grants.

DATES: Comments on this notice must be received by January 8, 2018 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: For inquiries on the Information Collection Package, contact Anita Outen, Community Programs, RHS, USDA, 1400 Independence Ave. SW., Mail Stop 0787, Washington, DC 20250–0787, Telephone (202) 690–5273.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1951–E, Servicing of Community and Direct Business Programs Loans and Grants.

OMB Number: 0575–0066.

Expiration Date of Approval: March 31, 2018.

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

Abstract: The Community Facilities program is authorized to make loans and grants to public entities, nonprofit corporations, and Indian tribes for the development of essential community facilities primarily serving rural residents. The Direct Business and Industry program, under Rural Business-Cooperative Service, is authorized to make loans to improve, develop, or finance business, industry, and employment, and improve the economic and environmental climate in rural communities.

The purpose of this collection is to establish security servicing policies, assist recipients in meeting the objectives of the loans and grants, repay loans on schedule, comply with agreements, and protect the Government's financial interest. Routine servicing responsibilities include collection of payments, compliance reviews, security inspections, review of financial reports, determining applicant/borrower eligibility and project feasibility for various servicing actions, monitoring delinquent accounts, and supervision activities.

Supervision by the Agencies include, but is not limited to: Review of budgets, management reports, audits and financial statements; performing security inspections; providing, arranging, or recommending technical assistance; evaluating environmental impacts of proposed actions by the borrower; performing civil rights compliance reviews; and assisting in the development of workout agreements.

Information will be collected by the field offices from applicants, borrowers, consultants, lenders, and attorneys.

Failure to collect information could result in improper servicing of these loans.

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

Respondents: State, local or tribal Governments, Not-for-profit institutions, businesses, and individuals.

Estimated Number of Respondents: 112.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 1,446.

Estimated Total Annual Burden on Respondents: 1,327.

Copies of the information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch, at (202) 692–0040.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agencies, including whether the information will have practical utility; (b) the accuracy of the Agencies' estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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 may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, 1400 Independence Ave. SW., Washington, DC 20024. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Bryan Hooper,

Acting Administrator, Rural Housing Service.

[FR Doc. 2017–24244 Filed 11–7–17; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS or Agency) intention to request an extension for a currently approved information collection in support of the programs under Direct Single Family Housing Loans and Grants.

DATES: Comments on this notice must be received by January 8, 2018 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Brooke Baumann, Branch Chief, Single Family Housing Direct Loan Division, 1400 Independence Avenue SW., Stop 0783, Washington, DC 20250–0783, Telephone: (202) 690–4250, Email: *brooke.baumann@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Direct Single Family Housing Loans and Grants.

OMB Number: 0575–0172.

Expiration Date of Approval: March 31, 2018.

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

Abstract: Through its direct single family housing loan and grant programs (specifically the Sections 502 and 504 programs), RHS provides eligible applicants with financial assistance to own adequate but modest homes in rural areas. The financing and servicing is provided directly by RHS. The Section 502 direct loan program provides 100 percent loan financing to assist low- and very low-income applicants purchase modest homes in eligible rural areas by providing payment assistance to increase an applicant's repayment ability. The Section 504 loan program provides one percent interest rate loans to very low-income homeowners in eligible rural areas to repair, improve, or modernize their home or to remove health and safety hazards. The Section 504 grant program provides grants to elderly very low-income homeowners in eligible rural areas to remove health and safety hazards, or accessibility barriers from their home, often in conjunction with a Section 504 loan.

Applicants must provide the Agency with a uniform residential loan application and supporting documentation (*e.g.* verification of income, assets, liabilities, etc.) when applying for assistance. The information requested regarding the applicant and the property is vital in order for the Agency to make sound eligibility and underwriting decisions that comply with the laws and regulations that govern the programs. The information requested is comparable to that required by any public or private mortgage lender.

When servicing loans, RHS offers servicing options that are standard to the industry. In addition, RHS offers unique servicing options (*e.g.* payment subsidies and payment moratoriums) and is required to take unique servicing actions (*e.g.*, review borrowers for their ability to refinance with private credit). Borrowers must provide the Agency with pertinent information when a servicing option/action is requested/required in order for the Agency to make sound servicing decisions that comply with the laws and regulations that govern the programs.

Estimate of Burden: Public burden for this collection of information is estimated to average .5 hours per response.

Respondents: Approximately 28,000 applicants seeking direct single family housing loans and grants from the Agency and approximately 276,800 existing borrowers who have active loans and grants under the Section 502 and 504 programs.

Estimated Number of Respondents: 673,560.

Estimated Number of Responses per Respondent: 1.

Estimated Total Number of Responses: 673,560.

Estimated Total Annual Burden on Respondents (hours): 327,622.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch at (202) 692–0226.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) 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; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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 may be sent to: Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW., Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: October 25, 2017.

Bryan Hooper,

Acting Administrator, Rural Housing Service.

[FR Doc. 2017–24245 Filed 11–7–17; 8:45 am]

BILLING CODE 3410–XV–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Texas 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 Texas Advisory Committee (Committee) to the Commission will be held at 2:00 p.m. (Central Time) Friday, November 17, 2017. The purpose of the meeting is for the Committee to vote on final proposal on voting rights in Texas.

DATES: The meeting will be held on Friday, November 17, 2017, at 2:00 p.m. CT.

ADDRESSES: Public call information:
Dial: 866–290–0883.
Conference ID: 4658844.

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: 866–290–0883, conference ID number: 4658844. 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 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 *https://facadatabase.gov/committee/meetings.aspx?cid=276.* 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. Discuss Voting Rights Proposal
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: November 2, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–24236 Filed 11–7–17; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wisconsin Advisory Committee for a Meeting To Discuss Civil Rights Concerns in the State

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 that the Wisconsin Advisory Committee (Committee) will hold a meeting on Thursday, November 30, 2017, at 3:00 p.m. CST for the purpose of discussing civil rights concerns in the state.

DATES: The meeting will be held on Thursday November 30, 2017, at 3:00 p.m. CST.

ADDRESSES: Public call information: Dial: 888–427–9419, Conference ID: 6390062.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–427–9419, conference ID: 6390062. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization

they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. 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 also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Wisconsin Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=282*). Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Announcements and Business Updates
Discussion of civil rights report publication:
  Hate Crime in Wisconsin
Future Plans and Actions: Civil Rights in Wisconsin
Public Comment
Adjournment

Dated: November 2, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–24247 Filed 11–7–17; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission Briefing and Business Meeting.

DATES: Monday, November 13, 2017, at 1:00 p.m. EST.

ADDRESSES: National Place Building, 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC 20245 (Entrance on F Street NW.).

FOR FURTHER INFORMATION CONTACT: Brian Walch; (202) 376–8371; TTY: (202) 376–8116; email: *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: This business meeting is open to the public. There will also be a call-in line for individuals who desire to listen to the presentations: (888) 339–3513; Conference ID 360–3740.

Persons with disabilities who need accommodation should contact Pamela Dunston at (202) 376–8105, or *access@usccr.gov* at least three business days before the date of the meeting.

Meeting Agenda

I. Approval of Agenda
II. Business Meeting
  A. State Advisory Committees
  a. Discussion and Vote on Nomination of Shaakirrah Sanders as Chair of the Idaho Advisory Committee
  b. Discussion and Vote on Nomination of Curtiss Reed, Jr. as Chair of the Vermont Advisory Committee
  c. Discussion and Vote on Nomination of Alexes Harris as Chair of the Washington Advisory Committee
  B. Management and Operations
  • Staff Director's Report
III. Adjourn Meeting

Dated: November 6, 2017.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2017–24391 Filed 11–6–17; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 170824806–7806–01]

Proposed Content for the Prototype 2020 Census Redistricting Data File

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice and request for comment.

SUMMARY: The 2020 Census Redistricting Data Program provides states the opportunity to specify the small geographic areas for which they wish to receive 2020 decennial population totals for the purpose of reapportionment and redistricting. This notice pertains to Phase 3, the Data Delivery phase of the program, as the U.S. Census Bureau is providing notification and requesting comment on the content of the prototype 2020 Census Redistricting Data File that will be produced from the 2018 End-to-End Census Test. The Census Bureau anticipates publishing the content for the prototype 2020 Census Redistricting Data File from the 2018 End-to-End Census Test in the second quarter of fiscal year 2018 in a final notice. In that final notice, the Census Bureau also will respond to the comments received on this notice.

DATES: Comments on this notice must be received by January 8, 2018.

ADDRESSES: Please address all written comments to James Whitehorne, Chief of the Census Redistricting and Voting Rights Data Office, U.S. Census Bureau, 4600 Silver Hill Road, Room 4H057, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: James Whitehorne, Chief of the Census Redistricting and Voting Rights Data Office, U.S. Census Bureau, 4600 Silver Hill Road, Room 4H057, Washington, DC 20233, Telephone (301) 763–4039, or by email at *rdo@census.gov.*

SUPPLEMENTARY INFORMATION: Under the provisions of Public Law 94–171, as amended (Title 13, United States Code (U.S.C.), Section 141(c)), the Director of the Census Bureau is required to provide the ''officers or public bodies with initial responsibility for legislative apportionment or districting of each state. . .'' with the opportunity to specify small geographic areas (*e.g.,* census blocks, voting districts, wards, and election precincts) for which they wish to receive decennial census population totals for the purpose of reapportionment and redistricting.

By April 1 of the year following the census, the Secretary of Commerce is required to furnish those state officials or their designees with population counts for counties, cities, census blocks, and state-specified congressional districts, legislative districts, and voting districts.

In accordance with the provisions of Title 13, U.S.C. 141(c), and on behalf of the Secretary of Commerce, the U.S. Census Bureau Director requests comment on the proposed content of the required population counts being

produced as part of Phase 3 of the 2020 Census Redistricting Data Program.

The 2020 Census Redistricting Data Program was initially announced on July 15, 2014, in the **Federal Register** (79 FR 41258). This notice described the program that the Census Bureau proposed to adopt for the 2020 Census. As seen in the 1990, 2000, and 2010 censuses, the 2020 Census Redistricting Data Program is partitioned into several phases. Phase 1, the Block Boundary Suggestion Project, was announced in a **Federal Register** notice on June 26, 2015 (80 FR 36765). This notice described the procedures for the states to provide the Census Bureau with their suggestions for the 2020 Census tabulation block inventory. Phase 2, the Voting District Project, was announced in a **Federal Register** notice on June 28, 2017 (82 FR 29276). This second phase specifically provides states the opportunity to provide the Census Bureau with their voting district boundaries (election precincts, wards, etc.). Phase 3 of the 2020 Redistricting Data Program is data delivery.

The Census Bureau will produce, in preparation for Phase 3, a prototype 2020 Census Public Law 94–171 Redistricting Data File from the 2018 End-to-End Census Test. This prototype product will be delivered to official recipients and the public in early 2019. The content of this prototype product, which includes population counts by race and ethnicity, is meant to simulate the official product that will be produced as the 2020 Census Public Law 94–171 Redistricting Data File, delivered in early 2021. This prototype should not be interpreted, however, as signifying that a design decision for collecting race and ethnicity data has been made for the 2020 Census.

The U.S. Office of Management and Budget (OMB) is currently reviewing proposed revisions to the Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity. OMB will announce their decision on making any changes to the standards in the **Federal Register** later this year. These standards will inform how the Census Bureau collects and publishes race/ethnicity data for the 2020 Census. More information on OMB's review is available on *https://www.whitehouse.gov/sites/whitehouse.gov/files/briefing-room/presidential-actions/related-omb-material/r_e_iwg_faqs_and_talking_points_032917.pdf.*

One of the potential changes being decided by OMB is question format, specifically the use of two separate questions or a combined question for race/ethnicity data. In the 2010 Census, race/ethnicity data were collected using a two separate questions approach. Consequently, the Census Bureau has experience and is prepared to produce statistics on race/ethnicity in that format. Should the use of a combined race/ethnicity question be allowed under the as yet to be released guidance from OMB, the Census Bureau must be prepared to produce race/ethnicity statistics with the combined question format. Therefore, the current design for the prototype 2020 Census Public Law 94–171 Redistricting Data File reflects the combined question format, and alters the design of that produced as the official 2010 Census Public Law 94–171 Redistricting Data File. If only a separate questions format is permitted under the as yet to be released guidance from OMB, then the 2020 Census Public Law 94–171 Redistricting Data File will mirror that of the 2010 Census Public Law 94–171 Redistricting Data File, with the addition of the group quarters table described below. If a combined question format is permitted under the revised OMB standards, then the design for the 2020 Census Public Law 94–171 Redistricting Data File will mirror that of the prototype 2020 Census Public Law 94–171 Redistricting Data File.

Regardless of whether a separate or combined question format is used in the 2020 Census, to assist those states that reallocate populations prior to conducting redistricting, a group quarters table is added. This table will include the group quarters categories of: Institutionalized populations (correctional facilities for adults, juvenile facilities, nursing facilities/skilled nursing facilities, and other institutional facilities) and noninstitutionalized populations (college/university student housing, military quarters, and other non-institutionalized facilities). The group quarters table will include state, county, county sub-division, voting district, tract, and block geographic levels for the total population in the group quarters count. A schematic of the tables planned for the prototype 2020 Census Public Law 94–171 Redistricting File is available at the Census Bureau's FTP site: *https://www2.census.gov/programs-surveys/decennial/rdo/about/2020-census-program/Phase3/Phase3_prototype_schematic.pdf.*

This notice requests comment on these changes and the continued suitability of these data in redistricting. Other potential changes to the OMB guidance on the collection and tabulation of Race and Ethnicity announced in the **Federal Register** later this year may necessitate changes to the prototype product beyond those proposed here. The Census Bureau will announce any respective revisions in a forthcoming, final **Federal Register** notice in the second quarter of fiscal year 2018.

The Census Bureau will continue to communicate with each state to ensure all are well informed of the benefits of working with the Census Bureau towards a successful 2020 Census. In addition, the Census Redistricting and Voting Rights Data Office will continue to work with each state to ensure that all are prepared to participate in every phase of the Redistricting Data Program. As required by Public Law 94–171, every state, regardless of its participation in Phase 1 or Phase 2, will receive the official redistricting data in Phase 3.

Dated: November 2, 2017.

Ron S. Jarmin,

Associate Director for Economic Programs, Performing the Non-Exclusive Functions and Duties of the Director, Bureau of the Census.

[FR Doc. 2017–24242 Filed 11–7–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–857]

Certain Softwood Lumber Products From Canada: Final Affirmative Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (the Department) determines that certain softwood lumber products (softwood lumber) from Canada is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2015, through September 30, 2016.

DATES: *Applicable:* November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, Robert Galantucci, Thomas Martin, or Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0193, (202) 482–2923, (202) 482–3936, or (202) 482–2769, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2017, the Department published the *Preliminary Determination* of this antidumping duty (AD) investigation, as provided by section 733 of the Tariff Act of 1930, as amended (the Act), in which the Department preliminarily determined that softwood lumber from Canada was being sold at LTFV.[1] On September 1, 2017, the Department published a postponement fully extending the due date of the final AD determination until November 13, 2017.[2]

A summary of the events that occurred since the Department published the *Preliminary Determination,* as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B–8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Scope of the Investigation

The product covered by this investigation is softwood lumber from Canada. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preliminary Scope Decision Memorandum,* the Department provided parties an opportunity to provide comments on all issues discussed in the *Preliminary Determination,* including issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Therefore, the scope of this investigation has been modified for this final determination. For a summary of the product coverage comments and rebuttal responses submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Issues and Decision Memorandum.

Particular Market Situation (PMS) Allegation

On May 15, 2017, the petitioner first alleged that a particular market situation exists with respect to the production of softwood lumber in Canada, such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade.[5] According to the petitioner, the Department should, accordingly, ''use another calculation methodology under this subtitle or any other calculation methodology,'' pursuant to its discretionary authority under section 773(e)(3) of the Act.

The Department accepted the petitioner's PMS allegation submission on June 23, 2017, and articulated its intent to further investigate the merits of the allegation.[6] On June 30, 2017, the Department issued a supplemental questionnaire to the mandatory respondents and the Government of Canada (GOC) to obtain more information regarding GOC initiatives related to bioenergy, electricity, and stumpage. On July 21, 2017, the mandatory respondents, additional interested parties and the GOC (collectively, the Canadian parties) responded to our supplemental questionnaire. In its case brief dated August 8, 2017, the petitioner provided additional arguments regarding its PMS allegation.

The petitioner alleges that the GOC's subsidization of bioenergy programs that consume lumber byproducts, subsidization and involvement in Canada's electricity market, and subsidization of stumpage has, *collectively,* distorted the market for lumber byproducts (*e.g.,* wood chips, shavings, sawdust, etc.) in Canada, such that sales of lumber byproducts in Canada are outside the ordinary course of trade and should not be accounted for in the Department's normal value calculations. Specifically, the petitioner argues that the Department should decline to grant offsets for the sale of byproducts to each of the mandatory respondents.

The Department determines that the record evidence pertaining to GOC initiatives concerning bioenergy programs does not support the petitioner's allegation that a PMS exists in Canada with respect to the sale of lumber byproducts. Specifically, the record evidence does not demonstrate that sales of lumber byproducts in Canada have been impacted by the GOC initiatives referred to by the petitioner, such that they are outside the ordinary course of trade. That is, the record evidence does not demonstrate a connection between the bioenergy programs referred to by the petitioner and a change in demand and prices for lumber byproducts in Canada.

Additionally, given the Department's aforementioned determination regarding PMS and bioenergy programs, the Department also finds that the allegations regarding electricity and stumpage are moot.[7] Thus, the Department determines that the record evidence does not support the petitioner's allegation that a PMS exists in Canada with respect to the sale of lumber byproducts. Accordingly, the Department will continue to grant the mandatory respondents in this investigation company-specific offsets for sales of lumber byproducts according to our normal practice. For further discussion of this matter, *see* Comment 16 of the Department's Issues and Decision Memorandum.

Final Affirmative Determination of Critical Circumstances, in Part

On April 13, 2017, the Department preliminarily determined that critical circumstances exist for all-others but did not exist for Canfor Corporation (Canfor), Resolute FP Canada Inc. (Resolute), Tolko Marketing and Sales Ltd. (Tolko) and West Fraser Mills Ltd. (West Fraser). For this final determination, the Department has determined that critical circumstances exist for Resolute, Tolko, West Fraser, and all-others but did not exist for Canfor. For a full description of the

[1] *See Certain Softwood Lumber Products from Canada: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 82 FR 29833 (June 30, 2017), and accompanying Preliminary Decision Memorandum (collectively, *Preliminary Determination*).

[2] *See Certain Softwood Lumber Products from Canada: Postponement of Final Determination of Less-Than-Fair-Value Investigation and Extension of Provisional Measures,* 82 FR 41609 (September 1, 2017).

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Antidumping Duty Investigation of Certain Softwood Lumber Products from Canada,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Preliminary Determination,* 82 FR, at 29835.

[5] *See* section 504 of the Trade Preferences Extension Act of 2015 (TPEA), amending section 773(e) of the Act.

[6] *See* Memorandum ''Less-Than-Fair-Value Investigation of Certain Softwood Lumber Products from Canada: Particular Market Situation,'' dated June 23, 2017.

[7] The Department has previously found that AD and CVD laws provide separate remedies for distinct unfair trade practices. *See Certain Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Critical Circumstances, In Part,* 75 FR 57449 (September 21, 2010), at Comment 2.

methodology and results of the Department's critical circumstances analysis, see Final Determination Critical Circumstances Analysis Memo [8] and Issues and Decision Memorandum at Comment 18.

Analysis of Comments Received

The issues raised in the case briefs and rebuttals by interested parties to this investigation, including Canfor, West Fraser, Tolko, Resolute and the petitioner,[9] are addressed in the Issues and Decision Memorandum. A list of these issues is attached to this notice as Appendix II. Based on our analysis of the comments received, and our findings at verification, we made changes to the sales and costs reported by Canfor, Resolute, Tolko, and West Fraser prior to the preliminary determination. We also made changes to the margin calculations for these manadatory respondents; these changes resulted in a change to the all-others rate.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that, in the final determination, the Department shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

For the final determination, the Department calculated individual estimated weighted-average dumping margins for Canfor, Resolute, Tolko, and West Fraser, none of which are zero, *de minimis,* or based entirely on facts otherwise available. The Department calculated the all-others rate using a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's business proprietary data for the merchandise under consideration.[10]

Final Determination

The Department determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margins (percent)
Canfor Corporation [11]	8.89
Resolute FP Canada Inc [12]	3.20
Tolko Marketing and Sales Ltd [13]	7.22
West Fraser Mills Ltd [14]	5.57
All-Others	6.58

Continuation of Suspension of Liquidation

As noted above, the Department found that critical circumstances exist with respect to imports of merchandise under consideration from Resolute, Tolko, West Fraser, and all-others but did not exist for Canfor. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of shipments of softwood lumber from Canada as described in Appendix I of this notice, from Resolute, Tolko, West Fraser, and companies subject to the all-others rate that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of the preliminary determination. Because we did not find that critical circumstances exist with regard to Canfor, in accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to continue to suspend liquidation of all Canfor entries of softwood lumber from Canada as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after June 30, 2017, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**. Further, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), the Department will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Exclusion of Certain Softwood Lumber Products Certified by the Atlantic Lumber Board (ALB)

As noted in the scope of the investigation (Appendix I), the Department has excluded from the scope of the investigation softwood lumber products certified by the ALB as being first produced in the Provinces of Newfoundland and Labrador, Nova Scotia, or Prince Edward Island from logs harvested in Newfoundland and Labrador, Nova Scotia, or Prince Edward Island. We will instruct CBP to require that the ALB certificate be included with each entry and require that the ALB certificate of origin number be identified on each CBP Form 7501 for such entries to be excluded from the scope of the investigation. We will

[8] *See* Memorandum, ''Calculations for Final Determination of Critical Circumstances in the Antidumping Duty Investigation of Certain Softwood Lumber Products from Canada,'' dated concurrently with this memorandum (Final Determination Critical Circumstances Analysis Memo).

[9] The petitioner is the Committee Overseeing Action for Lumber International Trade Investigations or Negotiations (COALITION). The petitioner is an *ad hoc* association whose members are: U.S. Lumber Coalition, Inc.; Collum's Lumber Products, L.L.C.; Hankins, Inc.; Potlatch Corporation; Rex Lumber Company; Seneca Sawmill Company; Sierra Pacific Industries; Stimson Lumber Company; Swanson Group; Weyerhaeuser Company; Carpenters Industrial Council; Giustina Land and Timber Company; and Sullivan Forestry Consultants, Inc.

[10] For a complete analysis of the data, please *see* the All-Others Calculation Memorandum dated concurrently with this notice.

[11] In the preliminary determination, the Department determined that Canfor, Canadian Forest Products Ltd., and Canfor Wood Products Marketing Ltd. are a single entity. *See* Memorandum, ''Antidumping Duty Investigation of Certain Softwood Lumber from Canada: Tolko Industries Ltd. and Tolko Marketing and Sales Ltd. Preliminary Affiliation and Collapsing Memorandum,'' dated June 23, 2017. This decision is unchanged for this final determination.

[12] In the preliminary determination, the Department determined that Resolute, Resolute Growth Canada Inc. (Resolute Growth), Abitibi-LP Engineered Wood Inc. (Abitibi-LP), Abitibi-LP Engineered Wood II Inc. (Abitibi-LP II), Forest Products Mauricie LP (Mauricie), Produits Forestiers Petit-Paris Inc. (Petit-Paris), and Société en commandite Scierie Opitciwan (Opitciwan) are a single entity. *See* Memorandum, ''Antidumping Duty Investigation of Certain Softwood Lumber from Canada: Resolute FP Canada Inc. Preliminary Affiliation and Collapsing Memorandum,'' dated June 23, 2017. This decision is unchanged for this final determination.

[13] In the preliminary determination, the Department determined that Tolko, and Tolko Industries Ltd., and Gilbert Smith Forest Products Ltd. are a single entity. *See* Memorandum, ''Antidumping Duty Investigation of Certain Softwood Lumber from Canada: Tolko Industries Ltd. and Tolko Marketing and Sales Ltd. Preliminary Affiliation and Collapsing Memorandum,'' dated June 23, 2017. This decision is unchanged for this final determination.

[14] In the preliminary determination, the Department determined that West Fraser, Blue Ridge Lumber Inc. (Blue Ridge), Manning Forest Products Ltd. (Manning), and Sundre Forest Products Inc. (Sundre) are a single entity. *See* Memorandum, ''Antidumping Duty Investigation of Certain Softwood Lumber from Canada: West Fraser Mills Ltd. Preliminary Affiliation and Collapsing Memorandum,'' dated June 23, 2017. This decision is unchanged for this final determination.

instruct CBP to refund cash deposits on any suspended entries after April 1, 2017 that are accompanied by the ALB certificate.

Disclosure

The Department intends to disclose to interested parties its calculations and analysis performed in this final determination within five days of any public announcement in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, the Department will notify the International Trade Commission (ITC) of its final determination. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of softwood lumber from Canada no later than 45 days after the Department's final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on appropriate imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders

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

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: November 1, 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 I

Scope of the Investigation

The merchandise covered by this investigation is softwood lumber, siding, flooring and certain other coniferous wood (softwood lumber products). The scope includes:

- Coniferous wood, sawn, or chipped lengthwise, sliced or peeled, whether or not planed, whether or not sanded, or whether or not finger-jointed, of an actual thickness exceeding six millimeters.
- Coniferous wood siding, flooring, and other coniferous wood (other than moldings and dowel rods), including strips and friezes for parquet flooring, that is continuously shaped (including, but not limited to, tongued, grooved, rebated, chamfered, V-jointed, beaded, molded, rounded) along any of its edges, ends, or faces, whether or not planed, whether or not sanded, or whether or not end-jointed.
- Coniferous drilled and notched lumber and angle cut lumber.
- Coniferous lumber stacked on edge and fastened together with nails, whether or not with plywood sheathing.
- Components or parts of semi-finished or unassembled finished products made from subject merchandise that would otherwise meet the definition of the scope above.

Finished products are not covered by the scope of this investigation. For the purposes of this scope, finished products contain, or are comprised of, subject merchandise and have undergone sufficient processing such that they can no longer be considered intermediate products, and such products can be readily differentiated from merchandise subject to this investigation at the time of importation. Such differentiation may, for example, be shown through marks of special adaptation as a particular product. The following products are illustrative of the type of merchandise that is considered ''finished,'' for the purpose of this scope: I-joists; assembled pallets; cutting boards; assembled picture frames; garage doors.

The following items are excluded from the scope of this investigation:

- Softwood lumber products certified by the Atlantic Lumber Board as being first produced in the Provinces of Newfoundland and Labrador, Nova Scotia, or Prince Edward Island from logs harvested in Newfoundland and Labrador, Nova Scotia, or Prince Edward Island.
- U.S.-origin lumber shipped to Canada for processing and imported into the United States if the processing occurring in Canada is limited to one or more of the following: (1) Kiln drying; (2) planing to create smooth-to-size board; or (3) sanding.
- Box-spring frame kits if they contain the following wooden pieces—two side rails, two end (or top) rails and varying numbers of slats. The side rails and the end rails must be radius-cut at both ends. The kits must be individually packaged and must contain the exact number of wooden components needed to make a particular box-spring frame, with no further processing required. None of the components exceeds 1'' in actual thickness or 83'' in length.
- Radius-cut box-spring-frame components, not exceeding 1'' in actual thickness or 83'' in length, ready for assembly without further processing. The radius cuts must be present on both ends of the boards and must be substantially cut so as to completely round one corner.

Softwood lumber product imports are generally entered under Chapter 44 of the Harmonized Tariff Schedule of the United States (HTSUS). This chapter of the HTSUS covers ''Wood and articles of wood.'' Softwood lumber products that are subject to this investigation are currently classifiable under the following ten-digit HTSUS subheadings in Chapter 44:
4407.10.01.01; 4407.10.01.02; 4407.10.01.15; 4407.10.01.16; 4407.10.01.17; 4407.10.01.18; 4407.10.01.19; 4407.10.01.20; 4407.10.01.42; 4407.10.01.43; 4407.10.01.44; 4407.10.01.45; 4407.10.01.46; 4407.10.01.47; 4407.10.01.48; 4407.10.01.49; 4407.10.01.52; 4407.10.01.53; 4407.10.01.54; 4407.10.01.55; 4407.10.01.56; 4407.10.01.57; 4407.10.01.58; 4407.10.01.59; 4407.10.01.64; 4407.10.01.65; 4407.10.01.66; 4407.10.01.67; 4407.10.01.68; 4407.10.01.69; 4407.10.01.74; 4407.10.01.75; 4407.10.01.76; 4407.10.01.77; 4407.10.01.82; 4407.10.01.83; 4407.10.01.92; 4407.10.01.93; 4409.10.05.00; 4409.10.10.20; 4409.10.10.40; 4409.10.10.60; 4409.10.10.80; 4409.10.20.00; 4409.10.90.20; 4409.10.90.40; and 4418.99.10.00.

Subject merchandise as described above might be identified on entry documentation as stringers, square cut box-spring-frame components, fence pickets, truss components, pallet components, flooring, and door and window frame parts. Items so identified might be entered under the following ten-digit HTSUS subheadings in Chapter 44:
4415.20.40.00; 4415.20.80.00; 4418.99.90.05; 4418.99.90.20; 4418.99.90.40; 4418.99.90.95; 4421.99.70.40; and 4421.99.97.80.

Although these HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics in the Issues and Decision Memorandum

[FR Doc. 2017–24203 Filed 11–7–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–842]

Large Residential Washers From Mexico: Preliminary Results of the Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on large residential washers from Mexico. The period of review (POR) is February 1, 2016, through January 31, 2017. The review covers one producer/exporter of the subject merchandise, Electrolux Home Products Corp. N.V. and Electrolux Home Products de Mexico, S.A. de C.V. (collectively, Electrolux). We preliminarily determine that sales of subject merchandise by Electrolux have been made at prices below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: *Applicable:* November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Ross Belliveau or Rebecca Janz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4952 or (202) 482–2972, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the order are all large residential washers and certain subassemblies thereof from Mexico. The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.[1]

Methodology

The Department is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Pursuant to section 776(a) and (b) of the Act, the Department has preliminarily relied upon facts otherwise available with adverse inferences (AFA) for Electrolux because this respondent did not timely respond to the Department's antidumping duty questionnaire. For a complete explanation of the methodology and analysis underlying the preliminary application of AFA, *see* the Preliminary Decision Memorandum. 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 *https://access.trade.gov,* and to all parties 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 found at

[1] For a full description of the scope of the order, *see* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2016–2017 Administrative Review of the Antidumping Duty Order on Large Residential Washers from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

http://enforcement.trade.gov/frn/. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as the Appendix to this notice.

Preliminary Results of the Review

As a result of this review, the Department preliminarily determines that a dumping margin of 72.41 percent exists for Electrolux for the period February 1, 2016, through January 31, 2017.

Disclosure

Normally, the Department discloses to interested parties the calculations performed in connection with the preliminary results within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose because, in accordance with section 776 of the Act, the Department preliminarily applied AFA to Electrolux, the only company that is subject to this review, and the applied AFA rate is based solely on a dumping margin applied in a prior segment of this proceeding.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary results, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[2] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this administrative review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined.[3] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time (ET) on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[4]

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[5] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[6]

We intend to issue instructions to CBP 41 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Electrolux will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 36.52 percent, the all-others rate established in the LTFV investigation.[7] 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) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's 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 351.221(b)(4).

Dated: October 31, 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

[FR Doc. 2017–24198 Filed 11–7–17; 8:45 am]

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[2] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[3] *Id.*

[4] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[5] *See* 19 CFR 351.212(b).

[6] *See* section 751(a)(2)(C) of the Act.

[7] *See Large Residential Washers from Mexico and the Republic of Korea: Antidumping Duty Orders,* 78 FR 11148 (February 15, 2013).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–843, A–570–901]

Certain Lined Paper Products From India and the People's Republic of China: Final Results of Expedited Second Sunset Reviews of Antidumping Duty Orders

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

SUMMARY: As a result of this sunset review, the Department of Commerce (the Department) finds that revocation of the antidumping duty (AD) orders on certain lined paper products (CLPP) from India and the People's Republic of China (PRC) would be likely lead to the continuation or recurrence of dumping at the rates identified in the ''Final Results of Review'' section of this notice.

DATES: *Applicable:* November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Cindy Robinson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–3797.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2006, the Department published in the **Federal Register** the AD *Orders* on CLPP from India and the PRC.[1] On July 3, 2017, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the Department initiated the second sunset reviews of the AD *Orders* on CLPP from India and the PRC.[2] On July 18, 2017, the Department received a notice of intent to participate in these reviews from the Association of American School Paper Suppliers (AASPS) and its individual members [3] (collectively, petitioner), within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] The petitioner comprises manufacturers of a domestic like product in the United States and, accordingly, are domestic interested parties pursuant to section 771(9)(C) of the Act.[5]

On August 2, 2017, the Department received an adequate substantive response to the notice of initiation from the petitioner within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[6] However, the Department did not receive any timely filed responses from the respondent interested parties, *i.e.,* CLPP producers and exporters from India and the PRC. On the basis of the notices of intent to participate and the adequate substantive responses filed by the petitioner, and the inadequate response from any respondent interested party, the Department has conducted expedited (120-day) reviews of the AD *Orders* with respect to India and the PRC, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Orders

The merchandise covered by the *Orders* [7] is certain lined paper products from India and the PRC. The merchandise subject to the orders is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4811.90.9035, 4811.90.9080, 4820.30.0040, 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2050, 4820.10.2060, and 4820.10.4000. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.[8]

Analysis of Comments Received

All issues raised in these reviews are addressed in the Issues and Decision Memorandum, including the following: (1) The likelihood of continuation or recurrence of dumping and the magnitude of dumping and (2) the magnitude of the margins likely to prevail if the AD *Orders* were revoked.[9] Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation in the Issues and Decision Memorandum which is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, the Department determines that revocation of the AD *Orders* on CLPP from India and the PRC would be likely to lead to continuation or recurrence of dumping. We determine that the weighted-average percentage dumping margins likely to prevail are up to the following percentages:

Country	Weighted-average dumping margin (percent)
India	23.17
The People's Republic of China	258.21

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia,* 71 FR 56949 (September 28, 2006) (*Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 82 FR 30844 (July 3, 2017) (*CLPP Sunset 2017*).

[3] *See* AASPS' letter re: Certain Lined Paper Products from India: Notification of Membership Change, dated May 1, 2012, indicates that its individual members include: Mead Products LLC (which is a direct, wholly-owned subsidiary of ACCO Brands Corporation.), Norcom, Inc., and Top Flight, Inc. (collectively, the petitioners).

[4] *See* the petitioners' letter re: Certain Lined Paper Products from India: Notice of Intent to Participate in Sunset Review, dated July 18, 2017. *See also* the petitioners' letter re: Certain Lined Paper Products from the People's Republic of China: Notice of Intent to Participate in Sunset Review, dated July 18, 2017.

[5] *Id.* The petitioner claimed interested party status for this sunset review under section 771(9)(C) of the Act.

[6] *See* the petitioner's letter re: Certain Lined Paper Products from India: Substantive Response to Notice of Initiation of Sunset Review, dated July 18, 2017. *See also* the petitioners' letter re: Certain Lined Paper Products from the People's Republic of China: Substantive Response to Notice of Initiation of Sunset Review, dated July 18, 2017.

[7] *See Orders.*

[8] For a complete description of the Scope of the *Orders, see* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Antidumping Duty Orders on Certain Lined Paper Products from India and the People's Republic of China'' dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

[9] *Id.*

and terms of an APO is a violation which is subject to sanction.

The Department is issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: October 31, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2017–24188 Filed 11–7–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–868]

Large Residential Washers From the Republic of Korea: Preliminary Results of the Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on large residential washers from the Republic of Korea (Korea). The period of review (POR) is February 1, 2016, through January 31, 2017. The review covers one producer/exporter of the subject merchandise, LG Electronics, Inc. (LGE). We preliminarily determine that sales of subject merchandise by LGE were made at prices below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: *Applicable:* November 8, 2017.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4136.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the order are all large residential washers and certain subassemblies thereof from Korea. The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.[1]

Methodology

The Department is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. 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 to all parties 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 at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review

As a result of this review, the Department preliminarily determines that a weighted-average margin of 0.64 percent exists for LGE for the period February 1, 2016, through January 31, 2017.

Disclosure and Public Comment

We will disclose the calculations performed to parties in this segment of the proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary results, unless the Secretary alters the time limit.[2] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the deadline for case briefs.[3] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined.[4] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time (ET) on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the

[1] For a full descripition of the scope of the order, *see* Memorandum entitled ''Decision Memorandum for the Preliminary Results of the 2016–2017 Administrative Review of the Antidumping Duty Order on Large Residential Washers from Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[2] *See* 19 CFR 351.309(c).

[3] *See* 19 CFR 351.309(d).

[4] *See* 19 CFR 351.310(d).

date of publication of this notice, unless the deadline is extended.[5]

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[6]

We will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[7] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[8]

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for LGE will be the rate established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.80 percent, the all-others rate established in the LTFV investigation.[9] 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) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties and/or countervailing 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 351.221(b)(4).

Dated: October 31, 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

[FR Doc. 2017–24200 Filed 11–7–17; 8:45 am]

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[5] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[6] *See* 19 CFR 351.212(b).

[7] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[8] *See* section 751(a)(2)(C) of the Act.

[9] *See Large Residential Washers from Mexico and the Republic of Korea: Antidumping Duty Orders,* 78 FR 11148 (February 15, 2013).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–858]

Certain Softwood Lumber Products From Canada: Final Affirmative Countervailing Duty Determination, and Final Negative Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and exporters of certain softwood lumber products (softwood lumber) from Canada. The period of investigation is January 1, 2015, through December 31, 2015.

DATES: *Applicable:* November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Lana Nigro (Tolko), Toby Vandall (Canfor), Justin Neuman (JDIL), Patricia Tran (West Fraser), and Kristen Johnson (Resolute), AD/CVD Operations, Offices I and III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1779, (202) 482–1664, (202) 482–0486, (202) 482–1503, and (202) 482–4793, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 26, 2017, the Department published the *Preliminary Determination of Critical Circumstances.*[1] On April 28, 2017, the Department published the *Preliminary Determination* in this countervailing duty (CVD) investigation, in which the Department preliminarily found that countervailable subsidies are being provided to producers and exporters of softwood lumber from Canada.[2] A summary of the events that have occurred since the Department published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties

[1] *See Antidumping and Countervailing Duty Investigations of Certain Softwood Lumber Products from Canada: Preliminary Determinations of Critical Circumstances,* 82 FR 19219 (April 26, 2017) (*Preliminary Determination of Critical Circumstances*).

[2] *See Certain Softwood Lumber Products from Canada: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination,* 82 FR 19657 (April 28, 2017) and accompanying Preliminary Decision Memorandum (Preliminary Decision Memorandum) (collectively, *Preliminary Determination).*

for this final determination, may be found in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Scope of the Investigation

The product covered by this investigation is softwood lumber from Canada. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preliminary Determination,* Preliminary Scope Decision Memorandum, and ALB Decision Memorandum,[4] the Department set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* proposed exclusions from the scope). Certain interested parties commented on the scope of the investigation as it appeared in the *Preliminary Determination,* Preliminary Scope Decision Memorandum, and ALB Decision Memorandum. Therefore, the scope of this investigation has been modified for this final determination. For a summary of the product coverage comments and rebuttal responses submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Issues and Decision Memorandum and Final Scope Decision Memorandum.[5]

Verification

As provided in section 782(i) of the Tariff Act of 1930 (the Act), during June 2017, the Department conducted verification of the information submitted by the Government of British Columbia, Government of Alberta, Government of Ontario, Government of Quebec, Government of New Brunswick, Government of Nova Scotia, the respondent companies Canfor Corporation (Canfor), Resolute FP Canada Inc. (Resolute), Tolko Marketing and Sales Ltd. and Tolko Industries Ltd. (Tolko), and West Fraser Timber Co. Ltd. (West Fraser), and voluntary respondent J.D. Irving, Limited (JDIL) for use in the Department's final determination.[6] The Department used standard verification procedures, including an examination of original source documents provided by the respondents.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and all issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of these issues is attached to this notice as Appendix II.

Changes Since the Preliminary Determination

Based on the Department's analysis of the comments received and consideration of the verification reports, the Department made certain changes to the subsidy rate calculations for each of the respondents. For a discussion of the Department's changes, *see* the Issues and Decision Memorandum. As a result of these changes, the Department has also revised the ''All-Others'' rate calculated for the non-individually examined companies as discussed below.

All-Others Rate

In accordance with section 705(c)(1)(B)(i)(I) of the Act, the Department must determine an estimated all-others rate for all exporters and producers not individually examined. Pursuant to section 705(c)(5)(A) of the Act, this rate is normally an amount equal to the weighted average of the estimated subsidy rates established for those exporters and producers individually examined, excluding any zero and *de minimis* countervailable subsidy rates, and any rates based entirely under section 776 of the Act.

In this investigation, the Department calculated individual estimated countervailable subsidy rates for Canfor, JDIL,[7] Resolute, Tolko, and West Fraser, that are not zero, *de minimis,* or based entirely on facts otherwise available. Therefore, pursuant to section 705(c)(5)(A) of the Act, the Department calculated the all-others rate using a weighted-average of the individual estimated subsidy rates calculated for the examined respondents using each company's business proprietary data for the merchandise under consideration.[8]

Final Determination

The Department determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (%)
Canfor Corporation and its cross-owned affiliates[9]	13.24
J.D. Irving, Limited and its cross-owned affiliates[10]	3.34
Resolute FP Canada Inc. and its cross-owned affiliates[11]	14.70
Tolko Marketing and Sales Ltd. and its cross-owned affiliates[12]	14.85

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Softwood Lumber Products from Canada,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See* Memorandum, ''Certain Softwood Lumber Products from Canada: Scope Decision,'' dated June 23, 2017 (Preliminary Scope Decision Memorandum). In the Preliminary Scope Decision Memorandum, the Department preliminarily adopted certain exclusions from the scope of the antidumping duty (AD) and CVD investigations and stated its intention to consider expanded exclusionary language covering bed-frame components, and exclusionary language for crating ladder components, if submitted by interested parties. *See also* Memorandum, ''Decision Memorandum for Exclusion of Certain Softwood Lumber Products Certified By the Atlantic Lumber Board in the Antidumping Duty and Countervailing Duty Investigations of Certain Softwood Lumber Products from Canada,'' dated June 23, 2017 (ALB Decision Memorandum), where the Department preliminarily excluded from the scope softwood lumber products certified by the Atlantic Lumber Board (ALB) as being first produced in the Provinces of Newfoundland and Labrador, Nova Scotia, or Prince Edward Island from logs harvested in these three provinces.

[5] *See* Issues and Decision Memorandum; *see also* Memorandum, ''Certain Softwood Lumber Products from Canada: Scope Decision,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[6] *See* Memorandum to All Interested Parties titled ''Countervailing Duty Investigation of Certain Softwood Lumber Products from Canada: Verification Schedule,'' dated May 12, 2017.

[7] *See MacLean-Fogg Co.* v. *United States,* 753 F.3d 1237 (Fed. Cir. 2014) (holding that voluntary respondents are considered ''individually investigated'' for purposes of calculating the all-others rate). The Department accepted JDIL as a voluntary respondent in this investigation.

[8] *See* Memorandum to the File, ''Calculation of the ''All-Others'' Rate in the Final Determination of the Countervailing Duty Investigation of Softwood Lumber Products from Canada'' dated concurrently with this notice.

Company	Subsidy rate (%)
West Fraser Mills Ltd. and its cross-owned affiliates [13]	18.19
All-Others	14.25

Final Negative Determination of Critical Circumstances

In accordance with section 703(e) of the Act, the Department preliminarily found that critical circumstances existed with respect to JDIL and the non-individually examined companies receiving the ''All-Others'' rate in this investigation and did not exist with respect to the respondents Canfor, Resolute, Tolko, and West Fraser. The Department received comments concerning the preliminary affirmative determination of critical circumstances. For the final determination, the Department finds that, in accordance with 705(a)(2) of the Act, critical circumstances do not exist for all individually-examined respondents and the non-individually examined companies receiving the ''All-Others'' rate in this investigation. A discussion of the determination can be found in the Issues and Decision Memorandum.

Suspension of Liquidation

As a result of our *Preliminary Determination,* and pursuant to sections 703(d)(1)(B) and (2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of merchandise under consideration from Canada that were entered or withdrawn from warehouse, for consumption, on or after April 28, 2017, the date of publication of the *Preliminary Determination* in the **Federal Register**.

We preliminarily determined that critical circumstances existed with respect to entries of softwood lumber from Canada made by JDIL and the non-individually examined companies receiving the ''All-Others'' rate in this investigation. As a result, we instructed CBP to suspend liquidation of entries that were entered, or withdrawn from warehouse, for consumption on or after January 28, 2017, which is 90 days before the date of the publication of the *Preliminary Determination* in the **Federal Register**. At that time, we instructed CBP to collect cash deposits of estimated countervailing duties for such entries at the rates determined in the *Preliminary Determination.*

In accordance with section 703(d) of the Act, we later issued instructions to CBP to discontinue the suspension of liquidation for CVD purposes for subject merchandise entered, or withdrawn from warehouse, on or after August 26, 2017, but to continue the suspension of liquidation of all entries between January 28, 2017 (for JDIL and all-others) or April 28, 2017 (for the other individually examined respondents), and August 25, 2017, as appropriate.

Because we find critical circumstances do not exist for JDIL and the non-individually examined companies receiving the ''All-Others'' rate in this investigation, we will direct CBP to terminate the retroactive suspension of liquidation ordered at the *Preliminary Determination* and release any cash deposits that were required prior to April 28, 2017, consistent with section 705(c)(3) of the Act.

If the International Trade Commission (ITC) makes a final determination that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated CVDs for such entries of subject merchandise in the amounts indicated above.

Exclusion of Certain Softwood Lumber Products Certified by the Atlantic Lumber Board (ALB)

As noted in the scope of the investigation (Appendix I), the Department has excluded from the scope of the investigation softwood lumber products certified by the ALB as being first produced in the Provinces of Newfoundland and Labrador, Nova Scotia, or Prince Edward Island from logs harvested in Newfoundland and Labrador, Nova Scotia, or Prince Edward Island. We will instruct CBP to require that the ALB certificate be included with each entry and require that the ALB certificate of origin number be identified on each CBP Form 7501, for such entries to be excluded from the scope of the order, if issued. Further, if an order is issued, we will instruct CBP to refund cash deposits collected on any suspended entries between April 28, 2017 (for the other individually examined respondents), and August 25, 2017, as appropriate, that are accompanied by the ALB certificate.

Disclosure

The Department intends to disclose to interested parties its calculations and analysis performed in this final determination within five days of any public announcement in accordance with 19 CFR 351.224(b).

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Notification to Interested Parties

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

[9] The Department has found the following companies to be cross-owned with Canfor Corporation: Canadian Forest Products, Ltd., and Canfor Wood Products Marketing, Ltd.

[10] The Department has found the following companies to be cross-owned with JDIL: Miramichi Timber Holdings Limited, The New Brunswick Railway Company, Rothesay Paper Holdings Ltd., St. George Pulp & Paper Limited, and Irving Paper Limited.

[11] The Department has found the following companies to be cross-owned with Resolute: Resolute Growth Canada Inc., Resolute Sales Inc., Abitibi-Bowater Canada Inc., Bowater Canadian Ltd., Resolute Forest Products Inc., Produits Forestiers Maurice S.E.C., and 9192–8515 Quebec Inc.

[12] The Department has found the following companies to be cross-owned with Tolko: Tolko Industries Ltd., and Meadow Lake OSB Limited Partnership.

[13] The Department has found the following companies to be cross-owned with West Fraser: West Fraser Timber Co. Ltd., West Fraser Alberta Holdings, Ltd., Blue Ridge Lumber Inc., Manning Forest Products, Ltd., Sunpine Inc., and Sundre Forest Products Inc.

This determination and notice are issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: November 1, 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 I

Scope of the Investigation

The merchandise covered by this investigation is softwood lumber, siding, flooring and certain other coniferous wood (softwood lumber products). The scope includes:

- Coniferous wood, sawn, or chipped lengthwise, sliced or peeled, whether or not planed, whether or not sanded, or whether or not finger-jointed, of an actual thickness exceeding six millimeters.
- Coniferous wood siding, flooring, and other coniferous wood (other than moldings and dowel rods), including strips and friezes for parquet flooring, that is continuously shaped (including, but not limited to, tongued, grooved, rebated, chamfered, V-jointed, beaded, molded, rounded) along any of its edges, ends, or faces, whether or not planed, whether or not sanded, or whether or not end-jointed.
- Coniferous drilled and notched lumber and angle cut lumber.
- Coniferous lumber stacked on edge and fastened together with nails, whether or not with plywood sheathing.
- Components or parts of semi-finished or unassembled finished products made from subject merchandise that would otherwise meet the definition of the scope above.

Finished products are not covered by the scope of this investigation. For the purposes of this scope, finished products contain, or are comprised of, subject merchandise and have undergone sufficient processing such that they can no longer be considered intermediate products, and such products can be readily differentiated from merchandise subject to this investigation at the time of importation. Such differentiation may, for example, be shown through marks of special adaptation as a particular product. The following products are illustrative of the type of merchandise that is considered ''finished,'' for the purpose of this scope: I-joists; assembled pallets; cutting boards; assembled picture frames; garage doors.

The following items are excluded from the scope of this investigation:

- Softwood lumber products certified by the Atlantic Lumber Board as being first produced in the Provinces of Newfoundland and Labrador, Nova Scotia, or Prince Edward Island from logs harvested in Newfoundland and Labrador, Nova Scotia, or Prince Edward Island.
- U.S.-origin lumber shipped to Canada for processing and imported into the United States if the processing occurring in Canada is limited to one or more of the following: (1) Kiln drying; (2) planing to create smooth-to-size board; or (3) sanding.
- Box-spring frame kits if they contain the following wooden pieces—two side rails, two end (or top) rails and varying numbers of slats. The side rails and the end rails must be radius-cut at both ends. The kits must be individually packaged and must contain the exact number of wooden components needed to make a particular box-spring frame, with no further processing required. None of the components exceeds 1″ in actual thickness or 83″ in length.
- Radius-cut box-spring-frame components, not exceeding 1″ in actual thickness or 83″ in length, ready for assembly without further processing. The radius cuts must be present on both ends of the boards and must be substantially cut so as to completely round one corner.

Softwood lumber product imports are generally entered under Chapter 44 of the Harmonized Tariff Schedule of the United States (HTSUS). This chapter of the HTSUS covers ''Wood and articles of wood.'' Softwood lumber products that are subject to this investigation are currently classifiable under the following ten-digit HTSUS subheadings in Chapter 44:

4407.10.01.01; 4407.10.01.02; 4407.10.01.15; 4407.10.01.16; 4407.10.01.17; 4407.10.01.18; 4407.10.01.19; 4407.10.01.20; 4407.10.01.42; 4407.10.01.43; 4407.10.01.44; 4407.10.01.45; 4407.10.01.46; 4407.10.01.47; 4407.10.01.48; 4407.10.01.49; 4407.10.01.52; 4407.10.01.53; 4407.10.01.54; 4407.10.01.55; 4407.10.01.56; 4407.10.01.57; 4407.10.01.58; 4407.10.01.59; 4407.10.01.64; 4407.10.01.65; 4407.10.01.66; 4407.10.01.67; 4407.10.01.68; 4407.10.01.69; 4407.10.01.74; 4407.10.01.75; 4407.10.01.76; 4407.10.01.77; 4407.10.01.82; 4407.10.01.83; 4407.10.01.92; 4407.10.01.93; 4409.10.05.00; 4409.10.10.20; 4409.10.10.40; 4409.10.10.60; 4409.10.10.80; 4409.10.20.00; 4409.10.90.20; 4409.10.90.40; and 4418.99.10.00.

Subject merchandise as described above might be identified on entry documentation as stringers, square cut box-spring-frame components, fence pickets, truss components, pallet components, flooring, and door and window frame parts. Items so identified might be entered under the following ten-digit HTSUS subheadings in Chapter 44:

4415.20.40.00; 4415.20.80.00; 4418.99.90.05; 4418.99.90.20; 4418.99.90.40; 4418.99.90.95; 4421.99.70.40; and 4421.99.97.80.

Although these HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2017–24204 Filed 11–7–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–830]

Carbon and Certain Alloy Steel Wire Rod From Mexico: Preliminary Results and Preliminary Determination of No Shipments; 2015–2016

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

SUMMARY: The Department of Commerce (Department) is conducting an administrative review of the antidumping duty order on carbon and certain alloy steel wire rod (wire rod) from Mexico. The period of review (POR) is October 1, 2015, through September 30, 2016. This review covers two producers/exporters of the subject merchandise: Deacero S.A.P.I. de C.V. (Deacero) and ArcelorMittal Las Truchas, S.A. de C.V. (AMLT). We preliminarily determine that Deacero made sales of subject merchandise at less than normal value (NV) during the POR. We also preliminarily determine that AMLT made no shipments of subject merchandise during the POR. We invite interested parties to comment on these preliminary results.

DATES: *Applicable:* November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Keith Haynes, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5139.

SUPPLEMENTARY INFORMATION:

Background

On December 16, 2016, the Department initiated an administrative review of the antidumping duty order of wire rod from Mexico for three producer/exporters.[1] On February 27, 2017, based on a timely withdrawal request, the Department rescinded the review for one producer/exporter for which the review was initiated.[2] On June 30, 2017, the Department extended the time limit for the preliminary results by 60 days [3] and on August 9, 2017, the Department extended the time limit for the preliminary results by an additional 60 days, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), to October 31, 2017.[4] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as an Appendix to this notice.

Scope of the Order [6]

The product covered by the order is wire rod, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter.[7] The subject merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7213.91.3000, 7213.91.3010, 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3090, 7213.91.3091, 7213.91.3092, 7213.91.3093, 7213.91.4500, 7213.91.4510, 7213.91.4590, 7213.91.6000, 7213.91.6010, 7213.91.6090, 7213.99.0030, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0000, 7227.20.0010, 7227.20.0020, 7227.20.0030, 7227.20.0080, 7227.20.0090, 7227.20.0095, 7227.90.6010, 7227.90.6020, 7227.90.6030, 7227.90.6035, 7227.90.6050, 7227.90.6051, 7227.90.6053, 7227.90.6058, 7227.90.6059, 7227.90.6080, and 7227.90.6085. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description remains dispositive.

Preliminary Determination of No Shipments

On January 3, 2017, we received a timely-filed submission from AMLT reporting to the Department that it made no exports, sales, or entries of subject merchandise to the United States during the POR.[8] To confirm AMLT's no shipment claim, the Department issued a no-shipment inquiry to U.S. Customs and Border Protection (CBP) requesting that it review AMLT's no-shipment claim.[9] CBP did not report that it had any information to contradict AMLT's claim of no shipments during the POR. Based on record evidence, we preliminarily determine that AMLT had

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 91122 (December 16, 2016) (*Initiation Notice*).

[2] *See* letter from the petitioners, ''Carbon and Certain Alloy Steel Wire Rod from Mexico: Withdrawal of Request for Administrative Review,'' dated February 3, 2017 (Petitioners' Withdrawal Request); *see also Carbon and Certain Alloy Steel Wire Rod from Mexico: Notice of Partial Rescission of the Antidumping Duty Administrative Review; 2015–2016,* 82 FR 11904 (February 27, 2017).

[3] *See* Memorandum, ''Extension of Deadline for Preliminary Results of the 2015–2016 Antidumping Duty Administrative Review,'' dated June 30, 2017.

[4] *See* Memorandum, ''Extension of Deadline for Preliminary Results of the 2015–2016 Antidumping Duty Administrative Review,'' dated August 9, 2017.

[5] *See* Memorandum, ''Decision Memorandum for Preliminary Results of 2015–2016 Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Mexico'' (Preliminary Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

[6] For the full text of the scope of the order, *see* the Preliminary Decision Memorandum.

[7] The Department determined that Deacero's shipments to the United States of narrow gauge wire rod (4.75 mm to 5.00 mm) constitute merchandise altered in form or appearance in such minor respects that it is subject merchandise. *See Carbon and Certain Alloy Steel Wire Rod From Mexico: Affirmative Final Determination of Circumvention of the Antidumping Order,* 77 FR 59892 (October 1, 2012) and accompanying Issues and Decision Memorandum. This determination was upheld by the Federal Circuit; *see Deacero S.A. de C.V.* v. *United States,* No. 15–1362 (Federal Circuit) (April 5, 2016) at 12. Because there were no changes to the facts which supported that decision since that determination, we continue to find Deacero's narrow gauge wire rod (4.75 mm to 5.00 mm) subject merchandise.

[8] *See* letter from AMLT, ''Antidumping Duty Administrative Review of Carbon and Certain Alloy Steel Wire Rod from Mexico: AMLT No-Shipment Certification,'' dated January 3, 2017 (AMLT No-Shipment Certification).

[9] No Shipments Inquiry for Carbon and Certain Alloy Steel Wire Rod from Mexico Produced and/or Exported by AMLT (A–201–830), message number 7009302 (January 9, 2017).

made no shipments during the POR. Consistent with the Department's practice, we will not rescind the review with respect to AMLT but, rather, will complete the review and issue instructions to CBP based on the final results.[10] For additional information on our preliminary determination of no reviewable entries, *see* the Preliminary Decision Memorandum.

Methodology

The Department is conducting this review in accordance with section 751(a)(1) and (2) of the Act. Export and constructed export price were calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. 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 *https://access.trade.gov* and is available to all parties 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 on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

The Department preliminarily determines the following weighted-average dumping margin exists for the POR:

Exporter/producer	Weighted-average dumping margins (percent)
Deacero S.A.P.I. de C.V	6.22

[10] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013,* 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013,* 79 FR 51306, 51306–07 (August 28, 2014).

Assessment Rates

Upon issuance of the final results, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If the weighted-average dumping margin for Deacero is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importers examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[11] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.,* 0.5 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review where applicable.

In accordance with the Department's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate of 20.11 percent [12] if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of wire rod from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Deacero will be equal to the dumping margins established in the final results of this review except if the ultimate rates are *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 20.11 percent, the all-others rate established in the antidumping investigation.[13] These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[14] Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[15] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with the argument: (1) A statement of the issue, (2) a summary of the argument, and (3) a table of authorities.[16] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.[17] Requests should contain the party's name, address, and

[11] In this preliminary results, the Department applied the assessment rate calculation method adopted in Antidumping Proceedings: *Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[12] *See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine,* 67 FR 65945 (October 29, 2002).

[13] *Id.*

[14] *See* 19 CFR 351.224(b).

[15] *See* 19 CFR 351.309(d).

[16] *See* 19 CFR 351.309(c)(2) and (d)(2).

[17] *See* 19 CFR 351.310(c).

telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[18] Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, within 120 days after issuance of these preliminary results.

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 doubled antidumping duties.

This preliminary results of review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: October 31, 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 I

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2017–24186 Filed 11–7–17; 8:45 am]

BILLING CODE 3510–DS–P

[18] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF717

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 52 in-person workshop for Gulf of Mexico Red Snapper.

SUMMARY: The SEDAR 52 assessment of the Gulf of Mexico Red Snapper will consist of one in-person workshop and a series of webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 52 in-person workshop will be held from 1 p.m. on November 29, 2017 until 12 p.m. December 1, 2017.

ADDRESSES:

Meeting address: The SEDAR 45 Workshop will be held at the Sonesta Coconut Grove, 2889 McFarlane Road, Miami, FL 33133 phone: (305) 529–2828 or 1–800–766–3782.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; phone: (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/Assessment Workshop, and (2) a series of webinars. The product of the Data/Assessment Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. 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 in the Assessment Process webinars are as follows:

1. An assessment data set and associated documentation will be developed during the workshop.

2. Participants will evaluate proposed data and select appropriate sources for providing information on life history characteristics, catch statistics, discard estimates, length and age composition, and fishery dependent and fishery independent measures of stock abundance.

3. Using datasets selected, participants will develop population models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

4. 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

These meetings are 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 10 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: November 2, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–24241 Filed 11–7–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF592

Marine Mammals; File No. 21158

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that Robert Garrott, Ph.D., Montana State University, 310 Lewis Hall, Bozeman, MT 59717, has applied in due form for an amendment to Scientific Research Permit No. 21158 for research on Weddell seals (*Leptoncychotes weddellii*).

DATES: Written, telefaxed, or email comments must be received on or before December 8, 2017.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 21158 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Sara Young, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 21158 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 21158, issued on September 25, 2017, (82 FR 48985), authorizes the permit holder to conduct long-term studies of the Erebus Bay, Antarctica, Weddell seal population to evaluate how temporal variation in the marine environment affects individual life histories and the population dynamics of long-lived mammal. The permit holder is requesting the permit be amended to increase the number of seal pups authorized to be flipper tagged from a total of 675 (take table lines 1 [n=515], 2 [n=10], and 3 [n=150]) to a total take of 800 pups, by increasing the number of takes in line 1 from 515 to 640. This field season the research team has observed an abnormally high number of pups and current take numbers are not be adequate to meet the stated scientific goals of tagging all pups produced in the Erebus Bay colonies each year.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: November 2, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–24248 Filed 11–7–17; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2017–0032]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled ''Financial Coaching Program for Veterans and Low-income Consumers.''

DATES: Written comments are encouraged and must be received on or before January 8, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Financial Coaching Program for Veterans and Low-income Consumers.

OMB Control Number: 3170–0051.

Type of Review: Extension with change of a currently approved collection.

Affected Public: Individuals.

Estimated Number of Respondents: 7,200.

Estimated Total Annual Burden Hours: 3,600.

Abstract: In early 2015, the Bureau launched a Financial Coaching project to provide direct financial coaching services to transitioning veterans and economically vulnerable consumers nationwide. In order for the Bureau to

understand whether the program is effective and for the financial coaches to be able to deliver efficient services and track clients over time, the Bureau will need to take steps to monitor program performance and to evaluate the program. This includes collecting administrative data about clients for programmatic purposes. The information will be collected from the coaches and include a combination of personal information (basic contact and demographic information), performance metrics (outputs), client-level outcomes (progress towards financial goals or other relevant outcomes) and programmatic and organizational outcomes.

The initial information collection request for the administrative data collected by coaches from financial coaching clients for programmatic and performance monitoring purposes was approved in 2015 and expires on February 28, 2018. The Financial Coaching project has received funding and has now been extended through 2019. As a result, this is a request for an extension for administrative data collection. In addition, this information request includes a modification, adding five questions to the administrative data collection. The five questions are part of the Financial Well-being Survey, which received approval under OMB Control Number 3170–0063 in order to measure the level of financial well-being of American adults and key sub-populations. This will help us understand the progress clients are making and is also in line with the Bureau's overall efforts to be more consistent in the information we are collecting.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: November 2, 2017.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2017–24326 Filed 11–7–17; 8:45 am]

BILLING CODE 4810–AM–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: ER17–2246–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2017–11–02_Compliance filing-implementation of regional cost allocation for TMEP to be effective 10/4/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5160.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER17–2400–002.
Applicants: SP Butler Solar, LLC.
Description: Tariff Amendment: SP Butler Solar MBR Tariff Amendment Filing to be effective 9/1/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5204.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER17–2401–002.
Applicants: SP Decatur Parkway Solar, LLC.
Description: Tariff Amendment: SP Decatur Parkway Solar MBR Tariff Amendment Filing to be effective 9/1/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5205.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER17–2403–002.
Applicants: SP Pawpaw Solar, LLC.
Description: Tariff Amendment: SP Pawpaw Solar MBR Tariff Amendment Filing to be effective 9/1/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5206.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER17–2404–002.
Applicants: SP Sandhills Solar, LLC.
Description: Tariff Amendment: SP Sandhills Solar MBR Tariff Amendment Filing to be effective 9/1/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5207.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER18–230–000.
Applicants: Gilroy Energy Center, LLC.
Description: Baseline eTariff Filing: Gilroy RMR Agreement Filing to be effective 1/1/2018.
Filed Date: 11/2/17.
Accession Number: 20171102–5142.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER18–231–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ATSI submits Engineering and Construction Services Agreement SA No. 4714 to be effective 1/2/2018.
Filed Date: 11/2/17.
Accession Number: 20171102–5146.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER18–232–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Tariff Clean-Up Filing to Remove Rejected Tariff Language to be effective 7/15/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5162.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER18–233–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEP TX–LCRA Interconnection Agreement Second Amend & Restated to be effective 10/3/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5210.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER18–234–000.
Applicants: GSP Newington LLC.
Description: Baseline eTariff Filing: Newington MBR Filing to be effective 12/28/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5234.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER18–235–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEP TX-Bruenning's Breeze Wind Interconnection Agreement Second Amend & Restated to be effective 10/12/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5236.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER18–236–000.
Applicants: GSP Merrimack LLC.
Description: Baseline eTariff Filing: Merrimack MBR Filing to be effective 12/28/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5237.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER18–237–000.
Applicants: GSP White Lake LLC.
Description: Baseline eTariff Filing: White Lake MBR Filing to be effective 12/28/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5240.
Comments Due: 5 p.m. ET 11/24/17.

Docket Numbers: ER18–238–000.
Applicants: GSP Schiller LLC.
Description: Baseline eTariff Filing: Schiller MBR Filing to be effective 12/28/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5241.
Comments Due: 5 p.m. ET 11/24/17.
Docket Numbers: ER18–239–000.
Applicants: GSP Lost Nation LLC.
Description: Baseline eTariff Filing: Lost Nation MBR Filing to be effective 12/28/2017.
Filed Date: 11/2/17.
Accession Number: 20171102–5243.
Comments Due: 5 p.m. ET 11/24/17.
Docket Numbers: ER18–240–000.
Applicants: Metcalf Energy Center, LLC.
Description: Baseline eTariff Filing: Metcalf RMR Agreement Filing to be effective 1/1/2018.
Filed Date: 11/2/17.
Accession Number: 20171102–5246.
Comments Due: 5 p.m. ET 11/24/17.

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: November 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–24269 Filed 11–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2808–017]

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions; KEI (Maine) Power Management (III) LLC

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2808–017.

c. *Date filed:* January 30, 2017.

d. *Applicant:* KEI (Maine) Power Management (III) LLC.

e. *Name of Project:* Barker's Mill Hydroelectric Project.

f. *Location:* On the Little Androscoggin River, in the City of Auburn, Androscoggin County, Maine. The project does not occupy lands of the United States.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Lewis Loon, General Manager/Operations and Maintenance, KEI (Maine) Power Management (III) LLC, 423 Brunswick Avenue, Gardiner, ME 04345; (207) 203–3027; email: *Lewis.Loon@kruger.com.*

i. *FERC Contact:* Karen Sughrue at (202) 502–8556; or email at *Karen.Sughrue@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions 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–2808–017.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. *The Barker's Mill Project consists of the following existing facilities:* (1) A 232-foot-long, 30-foot-high concrete dam with a 125-foot-long spillway section with flashboards, a 46-foot-long non-overflow section with two waste gates along the left buttress, and a 61-foot-long non-overflow section with seven stop-logs adjacent to the intake canal; (2) a 16.5-acre reservoir with a storage capacity of 150-acre-feet; (3) a 60-foot-long, 20-foot-wide, 9 foot, 7 inch-deep intake canal on the right bank with seven stop-logs near the intake to the power canal, which serves as the downstream fish passage; (4) a 35-foot-long, 20-foot-wide gatehouse containing a single gate and fitted with trash racks; (5) a buried 650-foot-long, 10 foot, 2 inch-wide, 7 foot, 2 inch-high concrete penstock; (6) a 50-foot-long, 25-foot-wide concrete partially buried powerhouse containing a single semi-Kaplan-type turbine/generating unit with a rated capacity of 1.5 MW; (7) a tailrace; (8) a 250-foot-long, 4.2 kilovolt underground power line; (9) a substation; and (10) appurtenant facilities. The average annual generation is estimated to be 5,087 megawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, TERMS AND CONDITIONS, or PRESCRIPTIONS; (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 submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in

accordance with 18 CFR 4.34(b) and 385.2010.

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, contact FERC Online Support.

n. *A license applicant must file no later than 60 days following the date of issuance of this notice:* (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Major milestone	Target date
Draft EA Issued	June 2018.
Comments on Draft EA due	July 2018.
Final EA Issued	October 2018.

Dated: November 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–24273 Filed 11–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR18–5–000]

Notice of Request for Temporary Waiver; Marathon Pipe Line LLC

Take notice that on November 1, 2017, pursuant to Rule 204 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.204, Marathon Pipe Line LLC filed a petition for temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act and parts 341 and 357 of the Commission's regulations with respect to four pipeline assets, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on November 17, 2017.

Dated: November 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–24272 Filed 11–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD18–2–000]

White River Electric Association, Inc.; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On October 31, 2017, White River Electric Association, Inc., filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Town of Meeker Hydro Project would have an installed capacity of up to 180 kilowatts (kW), and would be located along the existing Meeker Power Canal near the Town of Meeker, Rio Blanco County, Colorado.

Applicant Contact: Trina Zagar-Brown, General Counsel, 233 6th Street, P.O. Box 958, Meeker, CO 81641, Phone No. (970) 878–5041.

FERC Contact: Christopher Chaney, Phone No. (202) 502–6778, email: *Christopher.Chaney@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) Up to two low head turbines with a total generating capacity not to exceed 180 kW; (2) two approximately 20-foot-long, 44-inch-diameter penstocks exiting an existing 25-foot by 50-foot forebay structure; (3) a small controls structure; and (4) appurtenant facilities. The proposed project would have an estimated annual generating capacity of up to 500,000 kilowatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA.	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA.	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed addition of the hydroelectric project along the existing irrigation canal will not alter its primary purpose.[1] Therefore, based upon the above information and criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions To Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY or MOTION TO INTERVENE, as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[2] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments 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. 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.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*i.e.,* CD18–2) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: November 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–24276 Filed 11–7–17; 8:45 am]

BILLING CODE 6717–01–P

[1] White River Electric Association, Inc. states in its Notice of Intent that the Meeker Power Canal was constructed in 1912 to supply water to a hydroelectric facility, which was decommissioned in the 1960's. Since then, the Meeker Power Canal has been continuously operated to provide water for irrigation and agricultural use, which is now its primary purpose.

[2] 18 CFR 385.2001–2005 (2017).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–206–000]

Southern Partners, INC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Southern Partners, INC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 22, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–24270 Filed 11–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR18–4–000]

Marathon Pipe Line LLC; Notice of Petition for Declaratory Order

Take notice that on November 1, 2017, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2016), Marathon Pipe Line LLC (MPL), filed a petition for a declaratory order seeking approval of the overall rate structure and terms of service for a redesign and expansion project for two interstate crude oil pipelines that MPL operates, namely the

Woodpat and Roxpat pipelines, which will be combined and expanded to create a single pipeline system that can ship Cushing, Rockies, and Canadian crude oil to multiple Patoka, Illinois destinations, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on November 30, 2017.

Dated: November 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–24271 Filed 11–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–1833–002.

Applicants: Sempra Gas & Power Marketing, LLC.

Description: Compliance filing: Sempra Gas & Power Marketing, LLC Market-Based Rate Tariff Compliance Filing to be effective 11/1/2017.

Filed Date: 11/1/17.

Accession Number: 20171101–5194.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER17–400–003.

Applicants: Kelly Creek Wind, LLC.

Description: Report Filing: Kelly Creek Wind Refund Report to be effective N/A.

Filed Date: 11/1/17.

Accession Number: 20171101–5295.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER17–400–004.

Applicants: Kelly Creek Wind, LLC.

Description: Compliance filing: Kelly Creek Wind Revised Rate Schedule Filing Effective February 1 2017 to be effective 2/1/2017.

Filed Date: 11/1/17.

Accession Number: 20171101–5296.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER17–2104–000.

Applicants: Southern Partners, INC.

Description: Second Amendment to July 18, 2017 Southern Partners, INC tariff filing (Asset Appendix).

Filed Date: 11/1/17.

Accession Number: 20171101–5297.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–210–000.

Applicants: Emera Maine.

Description: § 205(d) Rate Filing: Attachment J Revision to be effective 1/1/2018. Also Emera Maine submits tariff filing (Supporting Workpapers).

Filed Date: 11/1/17.

Accession Number: 20171101–5158; 20171101–5276.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–212–000.

Applicants: Tampa Electric Company.

Description: § 205(d) Rate Filing: Update of O&M Charges Under Interconnection Agreements to be effective 1/1/2018.

Filed Date: 11/1/17.

Accession Number: 20171101–5166.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–220–000.

Applicants: Wisconsin Public Service Corporation.

Description: § 205(d) Rate Filing: Meter Service Agreement between WPSC and GLU to be effective 1/1/2018.

Filed Date: 11/1/17.

Accession Number: 20171101–5245.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–221–000.

Applicants: Wisconsin Public Service Corporation.

Description: § 205(d) Rate Filing: Filing of a Wholesale Distribution Agreement w/Washington Island to be effective 1/1/2018.

Filed Date: 11/1/17.

Accession Number: 20171101–5264.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–222–000.

Applicants: Wisconsin Public Service Corporation.

Description: § 205(d) Rate Filing: Meter Service Agreement between WPSC and OEC to be effective 1/1/2018.

Filed Date: 11/1/17.

Accession Number: 20171101–5267.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–223–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1266R8 Kansas Municipal Energy Agency NITSA and NOA to be effective 1/1/2018.

Filed Date: 11/1/17.

Accession Number: 20171101–5268.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–224–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–11–01_Certain MISO TOs revisions to Attachment Os for ADIT to be effective 1/1/2018.

Filed Date: 11/1/17.

Accession Number: 20171101–5271.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–225–000.

Applicants: Wisconsin Public Service Corporation.

Description: § 205(d) Rate Filing: Filing of a Wholesale Distribution Agreement w/MG&E to be effective 1/1/2018.

Filed Date: 11/1/17.

Accession Number: 20171101–5273.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–226–000.

Applicants: Arizona Public Service Company.

Description: Notice of Cancellation of Rate Schedule No. 113 of Arizona Public Service Company.

Filed Date: 11/1/17.

Accession Number: 20171101–5277.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–228–000.

Applicants: Southwestern Public Service Company.

Description: § 205(d) Rate Filing: SPS Depreciation Filing to be effective 1/1/2018.

Filed Date: 11/1/17.

Accession Number: 20171101–5294.

Comments Due: 5 p.m. ET 11/22/17.

Docket Numbers: ER18–229–000.

Applicants: Virginia Electric and Power Company.

Description: Notice of Cancellation of a Generator Interconnection and Operating Agreement of Virginia Electric and Power Company.

Filed Date: 11/1/17.
Accession Number: 20171101–5299.
Comments Due: 5 p.m. ET 11/22/17.

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: November 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–24277 Filed 11–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–441–001]

Northwest Pipeline LLC; Notice of Amendment to Application for Certificate of Public Convenience and Necessity

Take notice that on October 23, 2017, Northwest Pipeline, LLC (Northwest), 295 Chipeta Way, Salt Lake City, Utah-84108, has filed an amendment to its application filed on May 11, 2017, pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) and the Federal Energy Regulatory Commission's (Commission) regulations, requesting abandonment approvals, and a certificate of public convenience seeking authorization to construct and operate its North Seattle Lateral Upgrade Project (Project) located in Snohomish County, Washington, all as more fully described in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, the Project consists of: (1) Abandoning by removal the existing 8-inch-diameter pipeline between mileposts (MP) 1.9 and 7.8 on Northwest's North Seattle Delivery Lateral line and installing new 20-inch-diameter pipeline from MP 1.9 to 7.8; (2) re-alignment of existing 16-inch-diameter pipeline to be installed parallel to the proposed 20-inch-diameter pipeline (3) rebuild the existing North Seattle/Everett meter station; and (4) installing miscellaneous appurtenances; all located in Snohomish County, Washington.

Any questions regarding this application should be directed to Xan Kotter, Northwest Pipeline LLC, PO Box 58900, Salt Lake City, UT 84158–0900, or call (801) 584–6496, or by email: *xan.g.kotter@williams.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, 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.

Comment Date: November 24, 2017.

Dated: November 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–24274 Filed 11–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2684–010]

Flambeau Hydro, LLC; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric license application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* P–2684–010.

c. *Date filed:* April 26, 2017.

d. *Applicant:* Flambeau Hydro, LLC (Flambeau Hydro).

e. *Name of Project:* Arpin Dam Project.

f. *Location:* On the Chippewa River, near the Village of Radisson, in Sawyer County, Wisconsin. There are no federal or tribal lands within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jason Kreuscher, Renewable World Energies, LLC, 100 State Street, P.O. Box 264, Neshkoro, WI 54960; (855) 994–9376, ext. 102.

i. *FERC Contact:* Amy Chang, (202) 502–8250, or *amy.chang@ferc.gov*.

j. *Deadline for filing scoping comments:* December 4, 2017.

The Commission strongly encourages electronic filing. Please file scoping comments 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–2684–010.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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.

k. This application is not ready for environmental analysis at this time.

l. *The existing Arpin Dam Project consists of:* (1) An approximately 742.5-foot-long, 19-foot-high stone masonry dam (west dam section) that includes two timber stoplog spillway bays and an approximately 318.9-foot-long overflow section; (2) an approximately 452.2-foot-long, 18-foot-high masonry dam (middle dam section) that includes two steel vertical lift gates and an approximately 237.9-foot-long overflow section; (3) an approximately 319.8-foot-long, 16-foot-high masonry dam (east dam section) that includes two tainter gates and an 108-foot-long overflow section; (4) an approximately 294-acre impoundment at a normal full pond water surface elevation of 1,227.22 feet North American Vertical Datum of 1988 (NAVD88); (5) a 37-foot-long, 11.5-foot-wide, 14-foot-high concrete, canal headworks structure on the eastern side of the impoundment; (6) an approximately 3,200-foot-long, 56-foot-wide, 6-foot-deep power canal; (7) a 13.5-foot-long, 48-foot-wide, 14.4-foot-high concrete intake structure that includes two 9-foot-wide, 11-foot-high steel stop gates and a 44-foot-wide, 14.4-foot-high trashrack with 1.5- to 1.75-inch clear bar spacing; (8) three 79-foot-long, 8-foot-diameter steel penstocks; (9) a 52-foot-long, 24-foot-wide, 25-foot-high cement block powerhouse containing two 600-kW, and one 250-kW vertical Francis turbine-generator units, for a total capacity of 1,450 kW; (10) a 15-foot-long, 2.4-kilovolt (kV) underground generator lead line that connects the turbine-generator units to a substation containing three step-up transformers; (11) a 3,645-foot-long, 22.9-kV above-ground transmission line; (12) a tailrace; (13) recreation facilities; and (14) appurtenant facilities.

Flambeau Hydro manually operates the project in a run-of-river mode, with an average annual generation of 7,336 megawatt-hours. Flambeau Hydro is not proposing any changes in project operation. Flambeau Hydro proposes to continue to release a year-round minimum flow of 40 cfs to the bypassed reach to protect aquatic resources and to continue to operate and maintain existing recreation facilities. Flambeau Hydro also proposes to develop an Historic Properties Management Plan to protect historic resources.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to address the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in item (h) above.

n. 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, contact FERC Online Support.

o. Scoping Process.

The Commission staff intends to prepare a single Environmental Assessment (EA) for the Arpin Dam Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct any on-site scoping meetings at this time. Instead, we are soliciting comments, recommendations, and information on Scoping Document 1 (SD1), issued November 2, 2017.

Copies of SD1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: November 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–24275 Filed 11–7–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2010–0885: FRL–9970–59–OAR]

Agency Information Collection Activities; Proposed Collection; Comment Request; Implementation of the 2008 Ozone National Ambient Air Quality Standards for Ozone; State Implementation Plan Requirements, EPA ICR No. 2347.03, OMB Control No. 2060–0695

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; reopening of comment period.

SUMMARY: On October 2, 2017, the Environmental Protection Agency (EPA) announced that EPA is planning to

submit a request to renew an existing approved Information Collection Request (ICR) 2347.02, ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone,'' to the Office of Management and Budget (OMB). This existing ICR is scheduled to expire on January 31, 2018. Before submitting the ICR renewal request to OMB for review and approval, the EPA is soliciting comments on specific aspects of the proposed information collection as described below. The EPA is reopening the comment period on the proposed ICR that closed on November 1, 2017.

DATES: Comments must be submitted on or before December 8, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2010–0885, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *http://www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. 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: Mr. Butch Stackhouse, Air Quality Policy Division, Office of Air Quality Planning and Standards, Mail Code C539–01, Environmental Protection Agency, T.W. Alexander Drive, Research Triangle Park, NC 27711; telephone number: (919) 541–5208; fax number: (919) 541–0824; email address: *stackhouse.butch@epa.gov.*

SUPPLEMENTARY INFORMATION:

How can I access the docket and/or submit comments?

The EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2010–0885, which is available for online viewing at *https://www.regulations.gov,* or for in-person viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

Use *https://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What information is the EPA particularly interested in?

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act (PRA), the EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and,

(iv) 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.,* allowing for electronic submission of responses (in this case, revisions to State Implementation Plans (SIPs) to meet planning requirements for nonattainment areas for the 2008 ozone NAAQS).

What should I consider when I prepare my comments for the EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by the EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What information collection activity or ICR does this apply to?

Affected entities: Entities affected by this action are state and local air agencies subject to attainment planning requirements for areas designated nonattainment for the 2008 ozone NAAQS. Such planning requirements may include attainment demonstrations, Reasonable Further Progress (RFP) plans, and Reasonably Available Control Technology (RACT) and Reasonably Available Control Measure (RACM) SIP submissions. Local, state, and federal agencies are part of the North American Industrial Classification System Code number 924110. There are other entities that may be indirectly affected, due to the fact that they may comment on the draft submissions before air agencies submit them to EPA. These include potentially regulated entities, representatives of stakeholder groups, and members of the general public.

Title: Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements; Information Collection Request Renewal.

ICR numbers: EPA ICR No. 2347.03, OMB Control No. 2060–0695.

ICR status: This ICR is currently scheduled to expire on January 31, 2018. 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 title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9. They are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The PRA requires the information found in this ICR (No. 2347.03) to assess the burden (in hours and dollars) of meeting the requirements of the Implementation of the 2008 National Ambient Air Quality Standards (NAAQS) for Ozone: State Implementation Plan Requirements;

Final Rule. The rule was proposed on June 6, 2013 (78 FR 34178), and promulgated on March 15, 2015 (80 FR 12264). The rule includes requirements that involve collecting information from states with areas designated nonattainment for the 2008 8-hour ozone NAAQS. These information collection milestones include but are not limited to state submissions of attainment demonstrations, RFP plans, and RACT determinations. The burden estimate in the original ICR assumed 26 state air agency respondents (state and local air agencies), including the District of Columbia, responsible for meeting attainment planning obligations for 46 designated nonattainment areas for the 2008 ozone NAAQS. The revised burden estimate in this proposed ICR renewal incorporates changes to the original estimate that affect 17 respondents with jurisdiction over 30 nonattainment areas that are in various stages of planning for attainment or maintenance of the 2008 ozone NAAQS. The time period covered by this ICR is February 1, 2018, through January 31, 2021.

Burden Statement: The estimated public reporting and recordkeeping burden for the original ICR was 120,000 labor hours for the 3-year period, for an estimated average burden of 4,615 hours per respondent (the number of respondents was assumed to be 26). The incremental public reporting and recordkeeping burden for this proposed collection of information is estimated to total 62,000 hours, for an average of 3,647 hours per affected respondent (the number of respondents is assumed to be 17) over the 3-year period covered by this ICR renewal. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; to train personnel 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 ICR provides a detailed explanation of the agency's estimate, which is only briefly summarized here:

Respondents/Affected Entities: State and local governments.

Estimated total number of affected respondents: 17.

Frequency of response: Annual.

Estimated total additional annual burden hours: 20,667 hours.

Estimated total additional annual cost: $1,404,757. This includes an estimated burden cost of $0 for capital investment or maintenance and operational costs.

Are there changes in the estimates from the last approval?

The total estimated respondent burden during the 3-year period of this ICR renewal is 62,000 hours, compared with a total estimated respondent burden of 120,000 hours identified for the 3-year period covered by the original ICR approved by OMB.

What is the next step in the process for this ICR?

The EPA will consider the comments received on this proposal and will amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, the EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: November 1, 2017.

Mary Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2017–24339 Filed 11–7–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10510, First National Bank of Crestview, Crestview, Florida

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10510, First National Bank of Crestview, Crestview, Florida, has been authorized to take all actions necessary to terminate the receivership estate of First National Bank of Crestview (Receivership Estate); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective November 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: November 3, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24288 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10335, The First State Bank, Camargo, Oklahoma

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10335, The First State Bank, Camargo, Oklahoma, has been authorized to take all actions necessary to terminate the receivership estate of The First State Bank (Receivership Estate); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds. Effective November 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: November 3, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24283 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate the Receivership of 10359, Community Central Bank, Mount Clemens, Michigan

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver) as Receiver for Community

Central Bank, Mount Clemens, Michigan, intends to terminate its receivership for said institution. The FDIC was appointed Receiver of Community Central Bank on April 29, 2011. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: November 3, 2017.
Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24285 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate the Receivership of 10247, First National Bank, Rosedale, Mississippi

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver) as Receiver for First National Bank, Rosedale, Mississippi, intends to terminate its receivership for said institution. The FDIC was appointed Receiver of First National Bank on June 4, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: November 3, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24281 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10327, Oglethorpe Bank, Brunswick, Georgia

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10327, Oglethorpe Bank, Brunswick, Georgia, has been authorized to take all actions necessary to terminate the receivership estate of Oglethorpe Bank (Receivership Estate); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective November 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: November 3, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24282 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10471, Frontier Bank, LaGrange, Georgia

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10471, Frontier Bank, LaGrange, Georgia, has been authorized to take all actions necessary to terminate the receivership estate of Frontier Bank (Receivership Estate); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective November 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: November 3, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24287 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10355, New Horizons Bank, East Ellijay, Georgia

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10355, New Horizons Bank, East Ellijay, Georgia, has been authorized to take all actions necessary to terminate the receivership estate of New Horizons Bank (Receivership Estate); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective November 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: November 3, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24284 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate the Receivership of 10065, Cooperative Bank, Wilmington, North Carolina

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver) as Receiver for Cooperative Bank, Wilmington, North Carolina, intends to terminate its receivership for said institution. The FDIC was appointed Receiver of Cooperative Bank on June 19, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: November 3, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24279 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10422, Patriot Bank Minnesota, Forest Lake, Minnesota

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10422, Patriot Bank Minnesota, Forest Lake, Minnesota, has been authorized to take all actions necessary to terminate the receivership estate of Patriot Bank Minnesota (Receivership Estate); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective November 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: November 3, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24286 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of the Receivership of 10124, Jennings State Bank, Spring Grove, Minnesota

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10124, Jennings State Bank, Spring Grove, Minnesota, has been authorized to take all actions necessary to terminate the receivership estate of Jennings State Bank (Receivership Estate); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective November 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: November 3, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24280 Filed 11–7–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: 10:00 a.m., Thursday, November 30, 2017.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *The American Coal Company,* Docket No. LAKE 2011–701 (Issues include whether on remand the Judge erred by not adequately explaining the basis for the assessed penalty amounts.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO MEETING: 1 (866) 867–4769, Passcode: 678–100.

Dated: November 6, 2017.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2017–24406 Filed 11–6–17; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: 10:00 a.m., Wednesday, November 29, 2017.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the matter *Secretary of Labor* v. *The American Coal Company,* Docket No. LAKE 2011–701 (Issues include whether on remand the Judge erred by not adequately explaining the basis for the assessed penalty amounts.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance

of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO ARGUMENT: 1–(866) 867–4769, Passcode: 678–100.

Dated: November 6, 2017.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2017–24405 Filed 11–6–17; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 5, 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. *Somerville Bancorp, Somerville, Ohio;* to become a bank holding company by acquiring voting shares of Somerville National Bank, Somerville, Ohio.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Treynor Bancshares, Inc. and TS Contrarian Bancshares, Inc., both of Treynor, Iowa;* to acquire 100 percent of the voting shares of City Bank and Trust Company, Guymon, Oklahoma.

Board of Governors of the Federal Reserve System, November 3, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–24337 Filed 11–7–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (''FTC'').

ACTION: Notice and request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB for a three-year extension of the current PRA clearance for information collection requirements contained in Use of Prenotification Negative Option Plans (''Negative Option Rule'' or ''Rule''). That clearance expires on November 30, 2017.

DATES: Comments must be received December 8, 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 ''Negative Option Rule: FTC File No. P064202'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/NegOptionPRA2* 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 or copies of the proposed information requirements should be addressed to John Andrew Singer, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., CC–9528, Washington, DC 20580, (202) 326–3234.

SUPPLEMENTARY INFORMATION:

Title: Use of Prenotification Negative Option Plans (Negative Option Rule or Rule), 16 CFR 425.

OMB Control Number: 3084–0104.

Type of Review: Extension of a currently approved collection.

Abstract: The Negative Option Rule governs the operation of prenotification subscription plans. Under these types of plans, a seller provides a consumer with automatic shipments of merchandise such as when a consumer joins as a member in a seller's book of the month club, food of the month club, or clothing items of the month club unless the consumer affirmatively notifies the seller they do not want the shipment. The Rule requires that a seller notify a member that they will automatically ship merchandise to the member and bill the member for the merchandise if the subscriber fails to expressly reject the merchandise beforehand within a prescribed time. The Rule protects consumers by: (a) Requiring that promotional materials disclose the terms of membership clearly and conspicuously; and (b) establishing procedures for the administration of such ''negative option'' plans.

On August 16, 2017, the Commission sought comment on the Rule's information collection requirements. 82 FR 38907. No germane comments were received.[1] As required by OMB regulations, 5 CFR 1320, the FTC is providing this second opportunity for public comment.

Likely Respondents: Sellers of prenotification subscription plans.

Estimated Annual Hours Burden: 9,725 hours.

Estimated Annual Cost Burden: $473,750 (solely related to labor costs).

Estimated Capital or Other Non-Labor Cost: $0 or *de minimis.*

Request for Comment: You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before December 8, 2017. Write ''Negative Option Rule: FTC File No. P064202'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/*

[1] The Commission received twelve non-germane comments.

publiccomments.shtm. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/NegOptionPRA2* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Negative Option Rule: FTC File No. P064202'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service. Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail are subject to delays due to heightened security precautions. Thus, comments can also be sent via email to *wliberante@omb.eop.gov.*

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

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 8, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Christian S. White,

Acting General Counsel.

[FR Doc. 2017–24243 Filed 11–7–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–18AF; Docket No. CDC–2018–0093]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed generic information collection project titled ''Assessments to Inform Program Refinement for HIV, other STD, and Pregnancy Prevention among Middle and High-School Aged Youth.'' CDC seeks to collect qualitative and quantitative data from adolescents (ages 11–19) and their parents/caregivers to assess program needs and services.

DATES: CDC must receive written comments on or before January 8, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0093 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia

30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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 submissions of responses.

5. Assess information collection costs.

Proposed Project

Assessments to Inform Program Refinement for HIV, other STD, and Pregnancy Prevention among Middle and High-School Aged Youth—New—Division of Adolescent and School Health (DASH), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) seeks to request OMB approval of a one-year generic information collection plan. CDC seeks to collect qualitative and quantitative data from adolescents (ages 11–19) and their parents/caregivers to assess program needs and services.

NCHHSTP conducts behavioral and health service assessments and research projects as part of its response to the domestic HIV/AIDS epidemic, STD prevention, TB elimination and viral hepatitis control with national, state, and local partners. Adolescents make up the population of interest for DASH and several other NCHHSTP divisions, as Adolescents have specific developmental, health social, and resource needs. DASH addresses adolescent health risk factors and access to health care as the organization's primary mission. The assessment and research conducted by NCHHSTP is one pillar upon which NCHHSTP revises and updates its recommendations and guidelines. Recommendations and guidelines for adolescent sexual risk reduction require a foundation of scientific evidence.

Assessment of programmatic practices for adolescents helps to assure effective and evidence-based sexual risk reduction practices and efficient use of resources. Such assessments also help to improve programs through better identification of strategies relevant to adolescents as a population as well as specific sub-groups of adolescents at highest risk for HIV and other STDs so that programs can be better tailored for them.

The information collection requests under this generic plan intend to allow for data collection with two types of respondents:

- Adolescents (11–19 years old) of middle and high school age; and
- Parents and/or caregivers of adolescents of middle and high school age. For the purposes of this generic package, parents/caregivers include the adult primary caregiver(s) for a child's basic needs (*e.g.,* food, shelter, and safety). This includes biological parents; other biological relatives such as grandparents, aunts, uncles, or siblings; and non-biological parents such as adoptive, foster, or stepparents.

The types of information collection activities included in this generic plan include:

(1) Quantitative data collection through electronic, telephone, or paper questionnaires to gather information about programmatic and service activities related to the prevention of HIV and other STDs among adolescents of middle- and high-school age.

(2) Qualitative data collection through electronic, telephone, or paper means to gather information about programmatic and service activities related to the prevention of HIV and other STDs among adolescents of middle- and high-school age. Qualitative data collection may involve focus groups and in-depth interviewing through group interviews, and cognitive interviewing.

For adolescents, data collection instruments will include questions on demographic characteristics; experiences with programs and services to reduce the risk of HIV and other STD transmission; and knowledge, attitudes, behaviors, and skills related to sexual risk and protective factors on the individual, interpersonal, and community levels.

For parents and caregivers, data collection instruments will include questions on demographic characteristics as well as parents'/caregivers' (1) perceptions about programs and services provided to adolescents; (2) knowledge, attitudes, and perceptions about their adolescents' health risk and protective behaviors; and (3) parenting knowledge, attitudes, behaviors, and skills.

Any data collection request put forward under this generic clearance will identify the programs and/or services to be informed or refined with the information from the collection and will include a crosswalk of data elements to the aspects of the program the project team seeks to inform or refine. Because this request includes a wide range of possible data collection instruments, specific requests will include items of information to collect and copies of data collection instruments. CDC will pilot test all data collection instruments. CDC will ensure cultural, developmental, and age appropriateness of each instrument. Similarly, CDC will pilot test parent data collection instruments and the data collection instruments will reflect the culture, developmental stage, and age of the parents' adolescent children.

All data collection procedures will receive review and approval by an Institutional Review Board for the protection of human subjects. CDC will also adhere to appropriate consent and assent procedures as outlined in the IRB-approved protocols and described in the generic information collection plan.

Participation of respondents is voluntary. There is no cost to the participants other than their time.

The table below provides the estimated annualized response burden for up to 15 individual data collections under this generic plan. CDC estimates 57,584 respondent burden hours for these information collections.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Middle and High School Age Adolescents.	Youth questionnaire	20,000	1	50/60	16,667
Middle and High School Age Adolescents.	Pre/Post youth questionnaire	10,000	2	50/60	16,667
Middle and High School Age Adolescents.	Youth interview/focus group guide	3,000	2	1.5	9,000
Parents/caregivers of adolescents	Parent/Caregiver questionnaire	7,500	2	25/60	6,250
Parents/caregivers of adolescents	Parent/Caregiver interview/focus group guide.	3,000	2	1.5	9,000
Total					57,584

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–24317 Filed 11–7–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17AZG; Docket No. CDC–2017–0076]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed assessment of cancer prevention services at selected community mental health centers. CDC seeks to request an Office of Management and Budget (OMB) clearance for a three-year data collection project.

DATES: Written comments must be received on or before January 8, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0076 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Assessment of Cancer Prevention Services at Community Mental Health Centers—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Compared to people without mental illness (MI), people with MI have higher rates of cancer risk factors such as smoking and obesity.

Many people with MI receive outpatient mental health care at community mental health centers (CMHC), and some of these facilities provide screening for cardiovascular disease and other chronic conditions. The extent to which cancer prevention services are provided at CMHCs is not understood.

This project will use online instruments and telephone interviews with psychiatric clinicians and administrators at selected CMHCs across the United States to assess the capacities of these facilities to provide cancer prevention services (*e.g.,* cancer risk factor education, cancer screening referrals, tobacco cessation counseling) to clients.

With a goal to achieve a final analytic sample of at least 250 psychiatric clinicians and 250 administrators at CMHCs, researchers will interview a subset of 5%-10% of each group by telephone.

The objectives of this study are to (1) describe the capacity of CMHCs to provide cancer prevention services; (2) describe any written policies and procedures at CMHCS for providing these services; (3) describe any collaboration of CMHCs with health care providers or community health workers/organizations to provide these services; and (4) describe any barriers to providing these services. Researchers will ask respondents that provide cancer prevention services about best practices and lessons learned.

There will be no costs to the respondents other than their time. To calculate the total burden, we estimated 500 respondents for the surveys and 50 for the interviews. The average burden will vary from 15–20 minutes for the surveys and one hour for the interviews. The total estimated annual burden hours are 392.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Psychiatric clinicians	Clinician Survey Instrument	500	1	15/60	125
Administrators	Administrator Survey Instrument	500	1	20/60	167
Psychiatric clinicians	Clinician Interview	50	1	1	50
Administrators	Administrator Interview	50	1	1	50
Total					392

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–24316 Filed 11–7–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–1039]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *Information Collection on Cause-Specific Absenteeism in Schools and Evaluation of Influenza Transmission within Student Households* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on April 27, 2017 to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Information Collection on Cause-Specific Absenteeism in Schools and Evaluation of Influenza Transmission within Student Households—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC requests approval of a revised information collection to improve our understanding of the role of influenza-like illness (ILI)-specific absenteeism in schools in predicting community-wide influenza transmission and to detect within-household transmission of influenza in households from which a student has been absent from school due to ILI.

This information collection request aligns DGMQ/CDC's mission to reduce morbidity and mortality in mobile

populations, and to prevent the introduction, transmission, or spread of communicable diseases within the United States. Insights gained from this information collection will assist in pandemic preparedness planning and implementation of CDC Pre-Pandemic Guidance on the use of school related measures, including school closures, to slow transmission during an influenza pandemic.

School closures were considered an important measure during the earliest stage of the 2009 H1N1 pandemic, because a pandemic vaccine was not available until October (six months later), and sufficient stocks to immunize all school-age children were not available until December. However, retrospective review of the U.S. government response to the pandemic identified a limited evidence-base regarding the effectiveness, acceptability, and feasibility of various school related measures during mild or moderately severe pandemics. Guidance updates will require an evidence-based rationale for determining the appropriate triggers, timing, and duration of school related measures, including school closures, during a pandemic.

CDC staff proposes that the information collection for this project will target adult and child populations in a school district in Wisconsin. CDC will collect reports of individual student symptoms, vaccination status, recent travel, recent exposure to people with influenza symptoms, and duration of illness. In accordance with the revised proposal, CDC will also collect reports on household composition, and influenza vaccination status; symptoms and severity of illness; related healthcare visits; and missed work or school of the participating students' household members. This information accomplished through telephone and in-person interviews.

CDC will use findings obtained from this information to inform and update CDC's Pre-pandemic Guidance on the implementation of school related measures to prevent the spread of influenza, especially school closures. Both state and local health departments in the United States use this guidance as an important planning and reference tool.

CDC has enrolled in the study 651 students absent from school due to ILI since gaining OMB approval in December 2014, 651 students absent from school due to ILI. Of them, 58% were positive for at least one respiratory pathogen included in the PCR panel that tests for the presence of 17 common respiratory viruses, and 27% of the students were found to be positive for influenza. It was demonstrated that absenteeism due to ILI in school children was highly correlated with PCR-confirmed influenza in enrolled school children ($r = 0.73$; $P < 0.001$) and with medically-attended influenza in the surrounding community ($r = 0.72$; $P < 0.001$) suggesting that ILI-specific school absenteeism can be considered a useful tool for predicting influenza outbreaks in the surrounding community. However, researchers require more observations during influenza seasons caused by other influenza strains to make these findings more robust.

This revision adds a household transmission component to the ongoing approved information collection. In addition to collecting data and biospecimens from students who were absent from school because of the ILI, information and biospecimens will also be collected from household members of these students. This revision aims to enhance current knowledge and understanding of introduction of influenza infection to households that have school-age children as well as within-household transmission.

There are no costs to the respondents other than their time. The total estimated annual burden hours are 419.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Parents of children/adolescents or adult students (≥18 yo) attending schools.	Screening Form	345	1	5/60
	Acute Respiratory Infection and Influenza Surveillance Form.	300	1	15/60
	Household Study Form	300	1	5/60
Student	Biospecimen collection	300	2	5/60
Household members	Household Study Form	720	2	10/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–24315 Filed 11–7–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–17AZX]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Zika Puerto Rico Study: Zika Virus RNA Persistence in Pregnant Women and Congenitally Exposed Infants in Puerto Rico to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on April 19, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Zika Puerto Rico Study: Zika Virus RNA Persistence in Pregnant Women and Congenitally Exposed Infants in Puerto Rico—New—National Center of Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Puerto Rico Department of Health (PRDH) reported the first case of autochthonous transmission of Zika virus (ZIKV) in December 2015. As of December 16, 2016, Puerto Rico reported 35,648 ZIKV cases, more than any other location in the U.S., and health officials expect the number of cases to continue to rise. Among the cases, 2,864 have been among pregnant women, and the PRDH announced the first case of microcephaly in a fetus with confirmed ZIKV infection on May 13, 2016. Currently, testing for ZIKV infection can be done by either using rRT–PCR to detect the presence of ZIKV RNA or by serologic testing to detect IgM and neutralizing antibodies. rRT–PCR testing is the preferred and suggested method for diagnosing ZIKV infection because it provides a definitive diagnosis and is not subject to the limitations (*e.g.,* cross-reactivity) associated with serology testing. However because level of viremia is generally low and RNA concentrations decline over time, ZIKV rRT–PCR has generally only been considered for a short testing window (2 weeks).

Currently, the CDC and the PRDH recommend ZIKV testing of all pregnant women living in areas with active ZIKV transmission, such as Puerto Rico. Symptomatic pregnant women should have serum and urine tested for the presence of ZIKV RNA by rRT–PCR within two weeks of symptom onset. Symptomatic pregnant women tested more than two weeks after symptom onset and symptomatic women with negative rRT–PCR test results should have serologic testing. CDC recommends serologic testing of asymptomatic pregnant women at the initiation of prenatal care and again during their second and third trimesters as a part of routine care; CDC recommends serum and urine rRT–PCR testing after a positive or equivocal serological test result to identify persistent RNA and to provide a definitive diagnosis. For infants, CDC currently recommends ZIKV testing within two days of life for infants born to women with laboratory evidence of possible ZIKV and for infants who have abnormal clinical or neuroimaging findings suggestive of congenital ZIKV syndrome, regardless of maternal ZIKV test results.

Limited data suggest that ZIKV RNA might be detectable for a much longer period in whole blood than in serum or urine; however, researchers have primarily seen these results in non-pregnant adults. While ZIKV RNA typically only persists in serum for 3–7 days and is thought to clear by 10 days, animal data suggest that pregnancy may be associated with prolonged detection of ZIKV RNA. An ongoing study of pregnant Rhesus macaques found ZIKV RNA in plasma up to 36 and 71 days post first trimester infection, and up to 9 and 36 days after third trimester infection. Preliminary results from a first trimester-infected macaque with detectable virus for 71 days indicate that the fetus had no clinical signs of microcephaly but fetal necropsy showed ZIKV RNA in the axillary lymph nodes, bone marrow, and optic nerve (although not in brain tissue). By comparison, two non-pregnant female animals no longer had detectable RNA at 17 days post-infection.

Limited data from human studies also suggest that pregnant women have persistent detection of ZIKV RNA in serum. Symptomatic women had detectable virus at 17, 23, 44, and 46 days post symptom onset and one asymptomatic woman was still rRT–PCR positive 53 days after returning from travel. In one symptomatic pregnant woman with prolonged detection of ZIKV RNA, the pregnancy ended as a fetal loss and researchers found ZIKV RNA in the fetus. Findings from these case reports and series led to the hypothesis that persistent detection of RNA in pregnant women may be a marker of fetal infection and thus, potentially a marker of adverse fetal outcomes including microcephaly and brain abnormalities. However, researchers need more data including whether the detection of IgM influences the risk of adverse infant outcomes.

Researchers know even less about persistent detection of ZIKV RNA and IgM in infants. One case study reported persistent ZIKV RNA detection in a male child born in Brazil at 40 weeks gestation with brain abnormalities. Fifty-four days after birth, the infant's serum, saliva, and urine all tested positive for ZIKV RNA; the detection of ZIKV RNA continued in the infant's serum on day 67 and had cleared by day 216. The infant exhibited no obvious illness or evidence of being immunocompromised when examined on day 54. However, he demonstrated neuropsychomotor developmental delay, with global hypertonia and spastic hemiplegia, by 6 months of age. The duration of IgM detection in infants is also important to determine the window of diagnostic utility of this test for infants not tested at birth.

Due to the short window of time during which ZIKV RNA is typically detectable in serum, expanding rRT–PCR testing to asymptomatic women and women outside of the two-week window may provide more information than serologic testing alone. This is because positive serology does not allow for definitive diagnosis of infection as false positives and cross-reactivity with other flaviviruses complicates diagnosis. The rRT–PCR, per standard, requires a blood sample obtained by venipuncture for ZIKV RNA detection. However, recent unpublished data from the Institute Pasteur have demonstrated that in 57% of patients there was a significantly longer ZIKV RNA detection in capillary blood samples collected from Zika positive pregnant women tested with rRT–PCR than in venous samples. Similar findings from a study conducted during the Ebola outbreak showed that capillary blood samples can be used as an alternative to venous blood samples, and may be a more accurate method for monitoring viral load.

If prolonged ZIKV RNA persistence is, in fact, a marker of fetal infection and

adverse outcomes, determining the prevalence of prolonged detection of ZIKV RNA is essential for clinical management of pregnant women with ZIKV infection and public health planning for the outbreak. Further, understanding persistent ZIKV RNA in congenitally-exposed infants is also important for clinical management of infants and identifying adverse outcomes that may present several months after birth. Finally, understanding the relationship between persistence and viral load may inform clinical guidance and management of pregnant women and their families.

In this study, we will estimate the prevalence and duration of persistent ZIKV RNA in pregnant women and congenitally exposed infants. We will also evaluate the diagnostic utility of PCR testing for ZIKV RNA on capillary blood and determine if persistent ZIKV RNA in pregnant women is associated with adverse outcomes or infection in infants. Finally, we will examine the association of different factors that are associated with persistent detection of ZIKV RNA in pregnant women and congenitally exposed infants.

This study will provide critical data in establishing guidance for testing in pregnant women and congenitally exposed infants. There are no costs to the respondents other than their time. The total estimated annual burden hours are 785.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
ZIKV positive Pregnant women	Pregnant women screening form	150	1	2/60
ZIKV positive Pregnant women	Pregnant women enrollment questionnaire	150	1	8/60
ZIKV positive Pregnant women	Pregnant women symptom questionnaire	150	1	8/60
ZIKV positive Pregnant women	Pregnant women follow-up questionnaire	150	30	8/60
ZIKV positive Pregnant women	Infant enrollment and delivery questionnaire	150	1	8/60
ZIKV positive Pregnant women	Infant follow-up questionnaire	150	6	8/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–24314 Filed 11–7–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–0931; Docket No. CDC–2017–0096]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Healthy Homes and Lead Poisoning Surveillance System (HHLPSS)''. The overarching goal of the Healthy Homes and Lead Poisoning Surveillance System (HHLPSS) is to support healthy homes surveillance activities at the state and national levels.

DATES: CDC must receive written comments on or before January 8, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0096 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all Federal comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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 submissions of responses.

5. Assess information collection costs.

Proposed Project

Healthy Homes and Lead Poisoning Surveillance System (HHLPSS) (OMB Control Number 0920–0931, expires 05/31/2018)—Extension—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The overarching goal of the Healthy Homes and Lead Poisoning Surveillance System (HHLPSS) is to support healthy homes surveillance activities at the state and national levels. CDC is requesting an 18-month extension to collect data from up to 40 state and local Healthy Homes Childhood Lead Poisoning Prevention Programs (CLPPP) and the state-based Adult Blood Lead Epidemiology and Surveillance (ABLES) programs. The state programs will report information (*e.g.,* presence of lead paint, age of housing, occupation of adults and type of housing) to the CDC under a one-year cost extension of the Fiscal Year 2014 Funding Opportunity Announcement (Funding Opportunity Announcement Number CDC–RFA–14–1408) titled ''(PPHF) Childhood Lead Poisoning Prevention.'' The 18-month extension will allow CDC to collect data for the third-year supplement, which represents the fourth and final year of awardee blood lead surveillance data under this program announcement.

Over the last three years, seven states have adopted the HHLPPS and 13 are in beta-testing. Since October 2014, CDC has funded up to 40 state and local blood lead surveillance programs. All of these programs or their subcontractors at the local level are submitting lead surveillance data for an additional year.

The objectives for this surveillance system remain two-fold. First, the HHLPSS allows CDC to track, systematically, how the state and local programs conduct case management and follow-up of residents with housing-related health outcomes. Second, the system allows for identification and collection of information on other housing-related risk factors. Childhood and adult lead poisoning is just one of many adverse health conditions related to common housing deficiencies. Multiple hazards in housing (*e.g.,* mold, vermin, radon and the lack of safety devices) continue to affect, adversely, the health of residents. HHLPSS offers a coordinated, comprehensive, and systematic public health approach to eliminate multiple housing-related health hazards.

HHLPSS enables flexibility to evaluate housing where the risk for lead poisoning is high, regardless of whether children less than 6 years of age currently reside there. Thus, HHLPSS supports CDC efforts for primary prevention of childhood and adult lead poisoning. Over the past several decades, there has been a remarkable reduction in environmental sources of lead, improved protection from occupational lead exposure, and an overall decreasing trend in the prevalence of elevated blood lead levels (BLLs) in U.S. adults. As a result, the U.S. national BLL geometric mean among adults was 1.2 μg/dL during 2009–2010. Nonetheless, lead exposures continue to occur at unacceptable levels. Current research continues to find that BLLs previously considered harmless can have harmful effects in adults, such as decreased renal function and increased risk for hypertension and essential tremor at BLLs <10 μg/dL.

There is no cost to respondents other than their time. The total estimated time burden is 640 hours. There are no changes to the requested burden hours or the data collection.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State, Local, and Territorial Health Departments.	Healthy Homes and Lead Poisoning Surveillance System (HHLPSS) Variables.	40	4	4	640
Total					640

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–24318 Filed 11–7–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–17ADT]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Who's at Risk: From Hazards to Communities—An Approach for Operationalizing CDC Guidelines to Determine Risks, and Define, Locate, and Reach At-Risk Populations in Public Health Emergencies'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on May 18, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Who's at Risk: From Hazards to Communities—An Approach for Operationalizing CDC Guidelines to Determine Risks, and Define, Locate, and Reach At-Risk Populations in Public Health Emergencies—New—Office of Public Health Preparedness and Response (OPHPR), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Risk Assessment, Mapping, and Planning (RAMP) tool is currently being developed by CDC for public health and medical emergency planners (especially Public Health Emergency Preparedness and Hospital Preparedness Program awardees) to assess and quantify risk, identify and map at-risk populations, and to determine response objectives for hazard-specific public health emergency plans at all jurisdictional levels in the United States.

To assist in developing this tool, CDC will conduct key informant interviews/focus groups with public health and emergency management professionals from across the United States. To understand the needs of at-risk populations, CDC will also administer an anonymous survey to respondents from Los Angeles County Department of Public Health clinics.

CDC seeks to obtain subject matter expertise and feedback for pilot testing the RAMP tool and anonymous demographic information from LA County DPH clinic guests. CDC will use the data to develop the RAMP tool.

Public health and emergency manager respondents in pre-identified partner jurisdictions will participate in the interview and focus groups.

CDC will offer Los Angeles Department of Public Health Clinic guests the Community Emergency Preparedness Survey in order to determine community perspectives on several emergency preparedness and response topics. CDC will offer the Community Emergency Preparedness Survey anonymously to three separate types of community members: LA County Public Health Center Clients, LA County Community Partner Stakeholders, and LA County Community Residents.

CDC will collect information with the use of paper surveys. CDC will enter the information from the paper survey into a secured database. CDC will lock all paper surveys in the secure offices of the Los Angeles County Department of Public Health Emergency Preparedness and Response Division. CDC will disseminate and report results in aggregate form only. The total number of estimated annual burden hours is 226. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Public Health and Medical Emergency Planners.	Focus Group Questionnaire	100	1	1
LA County Public Health Center Guests	Community Emergency Preparedness Survey.	500	1	5/60
LA County Community Partner Stakeholders	Community Emergency Preparedness Survey.	500	1	5/60
LA County Community Residents	Community Emergency Preparedness Survey.	500	1	5/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–24313 Filed 11–7–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10653]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of

information technology to minimize the information collection burden.

DATES: Comments must be received by January 8, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number __, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10653 Coverage of Certain Preventive Services Under the Affordable Care Act

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Coverage of Certain Preventive Services Under the Affordable Care Act; *Use:* The 2017 interim final regulations titled ''Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act'' and ''Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act'' expand exemptions for religious beliefs and moral convictions for certain entities or individuals whose health plans may otherwise be subject to a mandate of contraceptive coverage through guidance issued pursuant to the Patient Protection and Affordable Care Act. The interim final rules extend the exemption to health insurance issuers that hold religious or moral objections in certain circumstances. The interim final rules also allow plan participants and enrollees with sincerely held religious or moral objections to request coverage that does not include contraceptive services.

The interim final rules also leave the accommodation process in place as an optional process for objecting entities who wish to use it voluntarily. To avoid contracting, arranging, paying, or referring for contraceptive coverage, an organization seeking to be treated as an eligible organization may self-certify (by using EBSA Form 700), prior to the beginning of the first plan year to which an accommodation is to apply, that it meets the definition of an eligible organization. The eligible organization must provide a copy of its self-certification to each health insurance issuer that would otherwise provide such coverage in connection with the health plan (for insured group health plans or student health insurance coverage). The issuer that receives the self-certification must provide separate payments for contraceptive services for plan participants and beneficiaries (or students and dependents). For a self-insured group health plan, the self-certification must be provided to its third party administrator. An eligible organization may alternatively submit a notification to HHS as an alternative to submitting the EBSA Form 700 to the eligible organization's health insurance issuer or third party administrator. A health insurance issuer or third party administrator providing or arranging payments for contraceptive services for participants and beneficiaries in plans (or student enrollees and covered dependents in student health insurance coverage) of eligible organizations must provide a written notice to such plan participants and beneficiaries (or such student enrollees and covered dependents) informing them of the availability of such payments.

Eligible organizations can revoke at any time the accommodation process if participants and beneficiaries receive written notice of such revocation from the issuer or third party administrator in accordance with guidance issued by the Secretary, and if the accommodation process is currently being utilized, such revocation will be effective on the first day of the first plan year that begins on or after thirty days after the date of revocation. *Form Number:* CMS–10653 (OMB control number 0938–1344); *Frequency:* On Occasion; *Affected Public:* Private Sector; *Number of Respondents:* 110; *Number of Responses:* 274,629; *Total Annual Hours:* 181. (For policy questions regarding this collection contact Usree Bandyopadhyay at 410–786–6650. For all other issues call (410) 786–1326.)

Dated: November 3, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–24305 Filed 11–7–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–1504]

Recurrent Herpes Labialis: Developing Drugs for Treatment and Prevention; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled ''Recurrent Herpes Labialis: Developing Drugs for Treatment and Prevention.'' The purpose of this guidance is to assist sponsors in all phases of development of treatments for recurrent herpes

labialis (RHL). The guidance also addresses prevention of RHL. The guidance outlines the types of nonclinical studies and clinical trials recommended throughout the drug development process to support approval of antiviral drug products for the treatment or prevention of RHL. This guidance finalizes the draft guidance of the same name issued on July 1, 2016.

DATES: The announcement of the guidance is published in the **Federal Register** on November 8, 2017.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2016–D–1504 for ''Recurrent Herpes Labialis: Developing Drugs for Treatment and Prevention; Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Regina Alivisatos, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6340, Silver Spring, MD 20993–0002, 301–796–1500.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Recurrent Herpes Labialis: Developing Drugs for Treatment and Prevention.'' This guidance addresses nonclinical development, early phases of clinical development, phase 3 trial considerations, and safety considerations in the development of antiviral drug products used to treat or prevent RHL lesions. This guidance finalizes the draft guidance of the same name issued on July 1, 2016 (81 FR 43210). No substantive comments were received during the comment period. In addition to editorial and stylistic changes made in the guidance primarily for clarification, the requirement for a toxicity adverse event scale was omitted.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Recurrent Herpes Labialis: Developing Drugs for Treatment and Prevention.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: November 3, 2017.

Anna K. Abram,

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

[FR Doc. 2017–24308 Filed 11–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0575]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Expedited Programs for Serious Conditions—Drugs and Biologics

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 revision of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection in the guidance for industry ''Expedited Programs for Serious Conditions—Drugs and Biologics.''

DATES: Submit either electronic or written comments on the collection of information by January 8, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before January 8, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of January 8, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2013–D–0575 for ''Guidance for Industry on Expedited Programs for Serious Conditions—Drugs and Biologics.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Guidance for Industry on Expedited Programs for Serious Conditions—Drugs and Biologics

OMB Control Number 0910–0765—Revision

This information collection supports the previous captioned Agency guidance. The guidance provides a single resource for information on FDA's policies and procedures related to the following expedited programs for serious conditions: (1) Fast track designation, (2) breakthrough therapy designation, (3) accelerated approval, and (4) priority review designation. The guidance describes threshold criteria generally applicable to expedited programs, including what is meant by serious condition, unmet medical need, and available therapy. The guidance addresses the applicability of expedited programs to rare diseases, clarification on available therapy, and additional detail on possible flexibility in manufacturing and product quality. The guidance also clarifies the qualifying criteria for breakthrough therapy

designation and provides examples of surrogate endpoints and intermediate clinical endpoints used to support accelerated approval.

The information collection resulting from requests for priority review designation and breakthrough therapy designation is set forth in rows 1 and 2 of table 1 and is approved by the Office of Management and Budget (OMB) under control number 0910–0765. The information collection resulting from requests for accelerated approval is approved by OMB under control numbers 0910–0001 and 0910–0338.

The provisions of the guidance relating to fast track development and other issues such as serious condition and unmet medical need replace the guidance entitled ''Fast Track Drug Development Programs—Designation, Development, and Application Review.'' Consequently, the information collection resulting from the guidance ''Fast Track Drug Development Programs—Designation, Development, and Application Review'' (OMB control number 0910–0389) is now being incorporated into OMB control number 0910–0765 (guidance for industry ''Expedited Programs for Serious Conditions—Drugs and Biologics'').

A sponsor or applicant who seeks fast track designation is required to submit a request to the Agency showing that the drug product: (1) Is intended for a serious or life-threatening condition and (2) has the potential to address an unmet medical need. The Agency expects that most information to support a designation request will have been gathered under existing requirements for preparing an investigational new drug (IND), new drug application (NDA), or biologic license application (BLA). If such information has already been submitted to the Agency, the information may be summarized in the fast track designation request. A designation request should include, where applicable, additional information not specified elsewhere by statute or regulation. For example, additional information may be needed to show that a product has the potential to address an unmet medical need where an approved therapy exists for the serious or life-threatening condition to be treated. Such information may include clinical data, published reports, summaries of data and reports, and a list of references. The amount of information and discussion in a designation request need not be voluminous, but it should be sufficient to permit a reviewer to assess whether the criteria for fast track designation have been met.

After the Agency makes a fast track designation, a sponsor or applicant may submit a premeeting package that may include additional information supporting a request to participate in certain fast track programs. The premeeting package serves as background information for the meeting and should support the intended objectives of the meeting. As with the request for fast track designation, the Agency expects that most sponsors or applicants will have gathered such information to meet existing requirements for preparing an IND, NDA, or BLA. These may include descriptions of clinical safety and efficacy trials not conducted under an IND (*e.g.,* foreign studies) and information to support a request for accelerated approval. If such information has already been submitted to FDA, the information may be summarized in the premeeting package.

The Agency estimates the total annual number of respondents submitting requests for fast track designation is approximately 140, and the number of requests received is approximately 187 annually. FDA estimates that the number of hours needed to prepare a request for fast track designation is approximately 60 hours per request (row 3 in table 1).

Of the requests for fast track designation made per year, the Agency granted approximately 132 requests from 107 respondents, and for each of these granted requests, a premeeting package was submitted to the Agency. FDA estimates that the preparation hours are approximately 100 hours per premeeting package (row 4 in table 1).

The guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR 202.1 and 21 CFR parts 314, and 601, and sections 505(a), 506(a)(1), 735, and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a), 356(a)(1), 379(g), and 379(h)) have been approved under OMB control numbers 0910–0686, 0910–0001, 0910–0338, 0910–0014, and 0910–0297.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance for Industry: Expedited Programs for Serious Conditions—Drugs and Biologics	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Priority review designation request	48	1.7	82	30	2,400
Breakthrough therapy designation request	87	1.29	113	70	7,910
Fast track designation request	140	1.33	187	60	11,220
Fast track premeeting packages	107	1.23	132	100	13,200
Total					34,730

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The data pertaining to fast track designation (last two rows of table 1) has changed since the last OMB approval.

Dated: November 2, 2017.

Anna K. Abram,

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

[FR Doc. 2017–24296 Filed 11–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–6100]

Intent To Review an Analysis Data Reviewer's Guide; Notice of Availability, Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; request for comments.

SUMMARY: The Food and Drug Administration (FDA), Center for Drug Evaluation and Research (CDER), is establishing a public docket to collect comments related to a proposed Analysis Data Reviewer's Guide (ADRG) template. As part of FDA's ongoing collaboration with the Pharmaceutical Users Software Exchange (PhUSE), an

independent, non-profit consortium addressing computational science issues, a PhUSE working group developed the PhUSE ADRG template. The purpose of this review is to evaluate the template and determine whether FDA will recommend its use either as is, or in a modified form, for regulatory submissions of study data. FDA is seeking public comment on the use of the PhUSE ADRG template for regulatory submissions.

DATES: Although you can comment on the PhUSE ADRG template at any time, to ensure that the Agency considers your comments in this review, please submit either electronic or written comments by January 8, 2018.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2017–D–6100 for ''Intent to Review an Analysis Data Reviewer's Guide Template.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Crystal Allard, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, Rm. 1518, Silver Spring, MD 20993–0002, 301–796–8856, *crystal.allard@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is a participating member of PhUSE, an independent, non-profit consortium of academic, regulatory, non-profit, and private sector entities. PhUSE provides a global platform for the discussion of topics encompassing the work of biostatisticians, data managers, statistical programmers, and e-clinical information technology professionals, with the mission of providing an open, transparent, and collaborative forum to address computational science issues. As part of this collaboration, PhUSE working groups develop and periodically publish proposals for enhancing the review and analysis of human and animal study data submitted to regulatory agencies. You can learn more about PhUSE working groups at *http://www.phuse.eu/cs-working-groups.aspx.* (FDA has verified the Web site addresses as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.)

In December 2014, FDA published the Study Data Technical Conformance Guide (the Guide, available at *https://www.fda.gov/ForIndustry/DataStandards/StudyDataStandards/default.htm*), which contains technical recommendations to sponsors for the submission of animal and human study data and related information in a standardized electronic format. In section 2.3 of the Guide, FDA recommends that sponsors should include a plan (*e.g.,* in the New Drug Application (NDA)) describing the submission of standardized study data to FDA. The FDA's Analysis Data Resources Web page provides recommendations for preparing an ADRG.

FDA now intends to review the PhUSE ADRG template, a deliverable of the working group effort described previously in this document, with the potential result that FDA could recommend the use of the template in its current form, or in a modified form, for use in the regulatory submission of study data in conformance with the Guide. FDA invites public comment on all matters regarding the use of the PhUSE ADRG template.

II. Electronic Access

The PhUSE ADRG template is available at: *http://www.phusewiki.org/wiki/index.php?title=Analysis_Data_Reviewer%27s_Guide.*

Dated: November 1, 2017.

Lauren Silvis,

Chief of Staff.

[FR Doc. 2017–24237 Filed 11–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0256 (formerly 2007D–0089)]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Draft Guidance for Industry and Review Staff on Target Product Profile—A Strategic Development Process Tool

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by December 8, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–NEW and title ''Draft Guidance for Industry and Review Staff on Target Product Profile—A Strategic Development Process Tool.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry and Review Staff on Target Product Profile—A Strategic Development Process Tool; OMB Control Number 0910–NEW

This information collection request supports the above-captioned Agency guidance. The draft guidance is intended to provide sponsors and FDA review staff with information regarding target product profiles (TPPs). A TPP can be prepared by a sponsor and then shared voluntarily with the appropriate FDA review staff to facilitate communication regarding a particular drug development program. The TPP is based on a template that provides a summary of drug labeling concepts to focus discussions and aid in the understanding between sponsors and FDA. The resulting TPP is a format for a summary of a drug development program described in terms of labeling concepts. With the TPP, a sponsor specifies the labeling concepts that are the goals of the drug development program, documents the specific studies that are intended to support the labeling concepts, and then uses the TPP to assist in a constructive dialogue with FDA. The draft guidance describes the purpose of a TPP, its advantages, and its optimal use. It also provides information on how to complete a TPP and relates case studies that demonstrate a TPP's usefulness.

Sponsors are not required to submit a TPP. The TPP does not represent an implicit or explicit obligation on the sponsor's part to pursue all stated goals. Submission of a TPP summary does not constrain the sponsor to submit draft labeling in a new drug application (NDA) or biologics license application (BLA) that is identical to the TPP. The TPP is part of the proprietary investigational new drug application (IND) file.

The TPP is organized according to the key sections of the drug labeling and links drug development activities to specific concepts intended for inclusion in the drug labeling. The TPP is not a long summary. Generally, the TPP is shorter than the ultimate annotated draft labeling because it captures only a summary of the drug development activities and labeling concepts. Early TPPs can be brief depending on the status of the drug's development process.

The Target Product Profile Template in Appendix C of the draft guidance details the suggested information to be included in each section of the TPP. The TPP includes information from each discipline comprising an NDA/BLA. Within each discipline, the TPP briefly summarizes the specific studies that will supply the evidence for each conclusion that is a labeling concept. A TPP is organized according to key sections in the drug's labeling. Typical key sections are:

- Indications and Usage
- Dosage and Administration
- Dosage Forms and Strengths
- Contraindications
- Warnings and Precautions
- Adverse Reactions
- Drug Interactions
- Use in Specific Populations
- Drug Abuse and Dependence
- Overdosage
- Description
- Clinical Pharmacology
- Nonclinical Toxicology
- Clinical Studies
- References
- How Supplied/Storage and Handling
- Patient Counseling Information

In the **Federal Register** of January 5, 2016 (81 FR 240), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance recommendations	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
TPPs	20	6.6	132	20	2,640

[1] There are no capital or operating and maintenance costs associated with the information collection.

Description of Respondents: Sponsors of applications seeking FDA approval to perform clinical investigations of a human drug before applying for marketing approval of the drug from FDA.

Burden Estimate: FDA estimates that sponsors of approximately 10 percent of the number of active INDs submitted to FDA annually would prepare and submit TPPs. According to our records, this equals approximately 132 TPPs per year. Based on data received from the Pharmaceutical Research and

Manufacturers of America, we estimate that approximately 20 sponsors would submit TPPs and that each submission would take approximately 20 hours to prepare. This information is reflected in table 1.

Dated: November 3, 2017.

Anna K. Abram,

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

[FR Doc. 2017–24335 Filed 11–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–17–002: National Centers for Cryo-Electron Microscopy.

Date: November 30–December 1, 2017.

Time: 8:00 a.m. to 5:00 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: Nuria E. Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Tobacco Regulatory Science A.

Date: December 4, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Vascular and Hematology AREA Application Review.

Date: December 5, 2017.

Time: 3:00 p.m. to 4:00 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: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0912, *Katherine_Malinda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Multidisciplinary Studies of HIV and Viral Hepatitis Co-Infection.

Date: December 6–7, 2017.

Time: 11:00 a.m. to 11:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular Oncology.

Date: December 6, 2017.

Time: 12:00 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: Reigh-Yi Lin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–6009, *lin.reigh-yi@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: November 2, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–24263 Filed 11–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review: Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Thyroid disorders.

Date: November 17, 2017.

Time: 3:30 p.m. to 4:30 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: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Bioengineering.

Date: November 30, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

Contact Person: Joseph D Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, 301–435–2344, *moscajos@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation for Genomics Studies.

Date: December 1, 2017.

Time: 10:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Dettin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, Bethesda, MD 20892, 301–451–1327, *dettinle@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiovascular and Respiratory AREA (R15).

Date: December 6, 2017.

Time: 12:00 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: Chee Lim, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 4128, Bethesda, MD 20892, 301–435–1850, *limc4@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: November 2, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–24262 Filed 11–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Asthma Education Prevention Program Coordinating Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Asthma Education Prevention Program Coordinating Committee.

Date: December 14, 2017.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: Welcome and committee charge.

Place: National Institutes of Health, 6701 Rockledge Drive, Suite 10018, Bethesda, MD 20892 (Virtual Meeting-Webinar).

Contact Person: James P. Kiley, Ph.D., Director, Division of Lung Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Suite 10018, Bethesda, MD 20892–7952, 301–435–0233, *kileyj@nhlbi.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.nhlbi.nih.gov/health-pro/resources/lung/naci/asthma-info/naepp.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: November 2, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–24265 Filed 11–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NHLBI Special Emphasis Panel.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI TOPMed Data Analysis.

Date: December 1, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Susan Wohler Sunnarborg, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National, Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892, (301) 827–7987, *susan.sunnarborg@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: November 2, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–24266 Filed 11–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Research.

Date: November 27, 2017

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542 (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK P01–A1 Review.

Date: December 1, 2017.

Time: 9:50 a.m. to 11:50 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7023, 6707 Democracy Boulevard, Bethesda, MD 20892–5452 (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK RC2 Review.

Date: December 5, 2017.

Time: 10:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7023, 6707 Democracy Boulevard, Bethesda, MD 20892–5452 (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Personalized Biofeedback to Enhance Performance Training in Elite Athletes Using Exhaled Breath 13CO2/12CO2 as a Metabolic Marker.

Date: December 11, 2017.

Time: 1:00 p.m. to 2:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892–5452 (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK SBIR Phase II Exploratory Clinical Trials.

Date: December 15, 2017.

Time: 10:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892–5452 (301) 594–3993, *tathamt@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 2, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–24267 Filed 11–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review: Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel,

November 8, 2017, 2:00 p.m. to November 8, 2017, 4:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on October 18, 2017, 82 FR 48522–48523.

The meeting will be held on November 7, 2017. The meeting time and location remain the same. The meeting is closed to the public.

Dated: November 2, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–24264 Filed 11–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Automated Commercial Environment (ACE) Becoming the Sole CBP-Authorized Electronic Data Interchange (EDI) System for Generating, Transmitting and Updating Daily and Monthly Statements

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces that the Automated Commercial Environment (ACE) will be the sole electronic data interchange (EDI) system authorized by U.S. Customs and Border Protection (CBP) for generating, transmitting, and updating daily and monthly statements for all entries except reconciliation (type 09) entries. This document also announces that the Automated Commercial System (ACS) will no longer be a CBP-authorized EDI system for processing such statements.

DATES: As of December 9, 2017, ACE will be the sole CBP-authorized EDI system for generating, transmitting, and updating daily and monthly statements, and ACS will no longer be a CBP-authorized EDI system for such purpose.

FOR FURTHER INFORMATION CONTACT: For policy-related questions, contact Randy Mitchell, Commercial Operations, Revenue and Entry, Trade Policy and Programs, Office of Trade, via email at *otentrysummary@cbp.dhs.gov.* For technical questions, contact Celestine Harrell, Revenue Modernization Branch, Trade Transformation Office, Office of Trade, via email at *Celestine.Harrell@cbp.dhs.gov* with a subject line identifier reading ''Statement Processing in ACE''.

SUPPLEMENTARY INFORMATION:

I. Background

Section 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1484), establishes the requirement for importers of record to make entry for merchandise to be imported into the customs territory of the United States. Customs entry information is used by U.S. Customs and Border Protection (CBP) and Partner Government Agencies (PGAs) to determine whether merchandise may be released from CBP custody. Importers of record are also obligated to complete the entry by filing an entry summary declaring the value, classification and rate of duty applicable to the merchandise and such other information as is necessary for CBP to properly assess duties, collect accurate statistics and determine whether any other applicable requirement of law is met. *See* 19 U.S.C. 1484(a)(1)(B).

Section 505 of the Tariff Act of 1930, as amended (19 U.S.C. 1505), establishes the requirement for importers of record to deposit with CBP the amount of duties and fees estimated to be payable on merchandise unless that merchandise is entered for warehouse or transportation, or under bond. According to section 141.101 of Title 19 of the Code of Federal Regulations (CFR), estimated duties shall either be deposited with a CBP officer at the time of filing of entry or entry summary documentation, or be transmitted to CBP pursuant to the statement processing method.

A. Statement Processing

Statement processing is a voluntary automated program for participants in the Automated Broker Interface (ABI) which allows entries to be grouped on a daily basis by importer or filer, and allows payment of related duties, fees and taxes by a single payment. *See* 19 CFR 24.1(a)(8) and 24.25 and 143.32(p). The preferred method of payment for users of statement processing is by Automated Clearinghouse (ACH). *See* 19 CFR 24.25(a). According to 19 CFR 143.32(p), ACS, or any other CBP-authorized EDI system, generates the statement, which is transmitted electronically to the filer, consisting of a list of entry summaries and the amount of duties, fees and taxes due for payment. Currently, the daily statements are generated, transmitted and updated in ACS.

B. Periodic Monthly Statement Test Program

As an alternative to paying ACH statements on a daily basis, participants in the periodic monthly statements (PMS) test may pay ACH statements on a monthly basis. CBP announced its plan to conduct the PMS test on February 4, 2004 in a notice in the **Federal Register** (69 FR 5362) which

allows importers to deposit estimated duties, fees and taxes on a monthly basis using ACH. A PMS summarizes daily statements into a consolidated statement each month for a single monthly payment by the 15th working day of the month following the month of entry or release. CBP last modified and clarified the PMS test in a **Federal Register** notice (82 FR 50656) published on November 1, 2017. Currently, monthly statements are generated, transmitted and updated in ACS.

II. Transition Into the Automated Commercial Environment (ACE)

In an effort to modernize the business processes essential to securing U.S. borders, facilitating the flow of legitimate shipments, and targeting illicit goods pursuant to Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, December 8, 1993), commonly known as the Customs Modernization Act, or Mod Act, and the Security and Accountability for Every (SAFE) Port Act of 2006 (Pub. L. 109–347, 120 Stat. 1884), CBP developed ACE to eventually replace ACS as the CBP-authorized EDI system. Over the last several years, CBP has tested ACE and provided significant public outreach to ensure that the trade community is fully aware of the transition from ACS to ACE.

On October 13, 2015, CBP published an Interim Final Rule in the **Federal Register** (80 FR 61278) that designated ACE as a CBP-authorized EDI system, to be effective November 1, 2015. In the Interim Final Rule, CBP stated that ACS would be phased out and anticipated that ACS would no longer be supported for entry and entry summary filing by the end of February 2016. Filers were encouraged to adjust their business practices so that they would be prepared when ACS was decommissioned.

CBP has developed a staggered transition strategy for decommissioning ACS to give the trade additional time to adjust their business practices. The first two phases of the transition were announced in a **Federal Register** notice published on February 29, 2016 (81 FR 10264). The third phase was announced in a **Federal Register** notice published on May 16, 2016 (81 FR 30320). The fourth phase of the transition was announced in a **Federal Register** notice published on May 23, 2016 (81 FR 32339). This notice announces a further transition as CBP is transitioning statement processing for both daily and monthly statements from ACS to ACE.

III. Announcement of Daily and Monthly Statements Being Generated, Transmitted and Updated in ACE

This document announces that beginning on December 9, 2017, ACE will be the sole CBP-authorized EDI system for generating, transmitting and updating daily and monthly statements for all entries except reconciliation (type 09) entries, and that as of that date, ACS will be decommissioned for such purposes. Until reconciliation entries are filed in ACE, statements for reconciliation entries will continue to be generated, transmitted and updated in ACS. Once reconciliation entries are filed in ACE, ACE will be the sole CBP-authorized EDI system for generating, transmitting and updating all statements, and ACS will no longer be a CBP-authorized EDI system for such purpose.

Dated: November 3, 2017.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2017–24336 Filed 11–7–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6059–N–01]

Section 8 Housing Assistance Payments Program—Annual Adjustment Factors, Fiscal Year 2018

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of Fiscal Year (FY) 2018 Annual Adjustment Factors (AAFs).

SUMMARY: The United States Housing Act of 1937 requires that certain assistance contracts signed by owners participating in the Department's Section 8 housing assistance payment programs provide annual adjustments to monthly rentals for units covered by the contracts. This notice announces FY 2018 AAFs for adjustment of contract rents on the anniversary of those assistance contracts. The factors are based on a formula using residential rent and utility cost changes from the most recent annual Bureau of Labor Statistics Consumer Price Index (CPI) survey. Beginning with the FY 2014 AAFs and continuing with these FY 2018 AAFs, the Puerto Rico CPI is used in place of the South Region CPI for all areas in Puerto Rico. These factors are applied at the anniversary of Housing Assistance Payment (HAP) contracts for which rents are to be adjusted using the AAF for those calendar months commencing after the effective date of this notice. AAFs are distinct from, and do not apply to the same properties as, Operating Cost Adjustment Factors (OCAFs). OCAFs are annual factors used to adjust rents for project-based rental assistance contracts issued under Section 8 of the United States Housing Act of 1937 and renewed under section 515 or section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA). A separate **Federal Register** Notice, to be published at a later date, will be used in the calculation of the calendar year (CY) 2018 Housing Choice Voucher (HCV) renewal funding for public housing agencies (PHAs).

DATES: Applicable November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Contact Becky Primeaux, Director, Management and Operations Division, Office of Housing Voucher Programs, Office of Public and Indian Housing, 202–708–1380, for questions relating to the Project-Based Certificate and Moderate Rehabilitation programs (not the Single Room Occupancy program); Norman A. Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, 202–402–5015, for questions regarding the Single Room Occupancy (SRO) Moderate Rehabilitation program; Katherine Nzive, Director, OAMPO Program Administration Office, Office of Multifamily Housing, 202–402–3440, for questions relating to all other Section 8 programs; and Marie Lihn, Economist, Economic and Market Analysis Division, Office of Policy Development and Research, 202–402–5866, for technical information regarding the development of the schedules for specific areas or the methods used for calculating the AAFs. The mailing address for these individuals is: Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410. Hearing- or speech-impaired persons may contact the Federal Information Relay Service at 800–877–8339 (TTY). (Other than the ''800'' TTY number, the above-listed telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: Tables showing AAFs will be available electronically from the HUD data information page at *http://www.huduser.gov/portal/datasets/aaf.html.*

I. Applying AAFs to Various Section 8 Programs

AAFs established by this Notice are used to adjust contract rents for units assisted in certain Section 8 housing

assistance payment programs during the initial (*i.e.,* pre-renewal) term of the HAP contract and for all units in the Project-Based Certificate program. There are three categories of Section 8 programs that use the AAFs:

Category 1: The Section 8 New Construction, Substantial Rehabilitation, and Moderate Rehabilitation programs;

Category 2: The Section 8 Loan Management (LM) and Property Disposition (PD) programs; and

Category 3: The Section 8 Project-Based Certificate (PBC) program.

Each Section 8 program category uses the AAFs differently. The specific application of the AAFs is determined by the law, the HAP contract, and appropriate program regulations or requirements.

AAFs are not used in the following cases:

Renewal Rents. AAFs are not used to determine renewal rents after expiration of the original Section 8 HAP contract (either for projects where the Section 8 HAP contract is renewed under a restructuring plan adopted under 24 CFR part 401; or renewed without restructuring under 24 CFR part 402), except in the Project-Based Certificate program (Category 3). In general, renewal rents are established in accordance with the statutory provision in the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA), as amended, under which the HAP is renewed. After renewal, annual rent adjustments will be provided in accordance with MAHRA.

Budget-based Rents. AAFs are not used for budget-based rent adjustments. For projects receiving Section 8 subsidies under the LM program (24 CFR part 886, subpart A) and for projects receiving Section 8 subsidies under the PD program (24 CFR part 886, subpart C), contract rents are adjusted, at HUD's option, either by applying the AAFs or by budget-based adjustments in accordance with 24 CFR 886.112(b) and 24 CFR 886.312(b). Budget-based adjustments are used for most Section 8/202 projects.

Housing Choice Voucher Program. AAFs are not used to adjust rents in the Tenant-Based or the Project-Based Voucher programs.

II. Adjustment Procedures

This section of the notice provides a broad description of procedures for adjusting the contract rent. Technical details and requirements are described in HUD notices H 2002–10 (Section 8 New Construction and Substantial Rehabilitation, Loan Management, and Property Disposition) and PIH 97–57 (Moderate Rehabilitation and Project-Based Certificates). Because of statutory and structural distinctions among the various Section 8 programs, there are separate rent adjustment procedures for the three program categories:

Category 1: Section 8 New Construction, Substantial Rehabilitation, and Moderate Rehabilitation Programs

In the Section 8 New Construction and Substantial Rehabilitation programs, the published AAF factor is applied to the pre-adjustment contract rent. In the Section 8 Moderate Rehabilitation program (both the regular program and the single room occupancy program) the published AAF is applied to the pre-adjustment base rent.

For Category 1 programs, the Table 1 AAF factor is applied before determining comparability (rent reasonableness). Comparability applies if the pre-adjustment gross rent (pre-adjustment contract rent plus any allowance for tenant-paid utilities) is above the published Fair Market Rent (FMR).

If the comparable rent level (plus any initial difference) is lower than the contract rent as adjusted by application of the Table 1 AAF, the comparable rent level (plus any initial difference) will be the new contract rent. However, the pre-adjustment contract rent will not be decreased by application of comparability.

In all other cases (*i.e.,* unless the contract rent is reduced by comparability):

- Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.
- Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

Category 2: Section 8 Loan Management Program (24 CFR Part 886, Subpart A) and Property Disposition Program (24 CFR Part 886, Subpart C)

Category 2 programs are not currently subject to comparability. Comparability will again apply if HUD establishes regulations for conducting comparability studies under 42 U.S.C. 1437f(c)(2)(C).

The applicable AAF is determined as follows:

- Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.
- Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

Category 3: Section 8 Project-Based Certificate Program

Under the PBC program, the PHA and owner must have executed an Agreement to enter a HAP contract before January 16, 2001. The aggregate total term of the PBC HAP contract (the initial and any renewal terms) may not exceed 15 years. Therefore, most PBC HAP contracts have expired (or have been renewed as a project-based voucher contract in accordance with 24 CFR 983.10(b)(1)(ii)). In the case of a PBC HAP contract that is still in effect, the following procedures are used to adjust contract rent:

- Table 2 AAF is always used. The Table 1 AAF is not used.
- Table 2 AAF is always applied before determining comparability (rent reasonableness).
- Comparability always applies. If the comparable rent level is lower than the rent to owner (contract rent) as adjusted by application of the Table 2 AAF, the comparable rent level will be the new rent to owner.
- The new rent to owner will not be reduced below the contract rent on the effective date of the HAP contract.

III. When To Use Reduced AAFs (From AAF Table 2)

In accordance with Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)), the AAF is reduced by 0.01:

- For all tenancies assisted in the Section 8 Project-Based Certificate program.
- In other Section 8 programs, for a unit occupied by the same family at the time of the last annual rent adjustment (and where the rent is not reduced by application of comparability (rent reasonableness)).

The law provides that:

> Except for assistance under the certificate program, for any unit occupied by the same family at the time of the last annual rental adjustment, where the assistance contract provides for the adjustment of the maximum monthly rent by applying an annual adjustment factor and where the rent for a unit is otherwise eligible for an adjustment based on the full amount of the factor, 0.01 shall be subtracted from the amount of the factor, except that the factor shall not be reduced to less than 1.0. In the case of assistance under the certificate program, 0.01 shall be subtracted from the amount of the annual adjustment factor (except that the factor shall not be reduced to less than 1.0), and the adjusted rent shall not exceed the rent for a comparable unassisted unit of similar quality, type and age in the market area. 42 U.S.C. 1437f(c)(2)(A).

Legislative history for this statutory provision states that ''the rationale [for lower AAFs for non-turnover units is]

that operating costs are less if tenant turnover is less . . .'' (see Department of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations for 1995, Hearings Before a Subcommittee of the Committee on Appropriations 103d Cong., 2d Sess. 591 (1994)). The Congressional Record also states the following:

> Because the cost to owners of turnover-related vacancies, maintenance, and marketing are lower for long-term stable tenants, these tenants are typically charged less than recent movers in the unassisted market. Since HUD pays the full amount of any rent increases for assisted tenants in section 8 projects and under the Certificate program, HUD should expect to benefit from this 'tenure discount.' Turnover is lower in assisted properties than in the unassisted market, so the effect of the current inconsistency with market-based rent increases is exacerbated. (140 Cong. Rec. 8659, 8693 (1994)).

To implement the law, HUD publishes two separate AAF Tables, Table 1 and Table 2. The difference between Table 1 and Table 2 is that each AAF in Table 2 is 0.01 less than the corresponding AAF in Table 1. Where an AAF in Table 1 would otherwise be less than 1.0, it is set at 1.0, as required by statute; the corresponding AAF in Table 2 will also be set at 1.0, as required by statute.

IV. How To Find the AAF

AAF Table 1 and Table 2 are posted on the HUD User Web site at *http://www.huduser.gov/portal/datasets/aaf.html.* There are two columns in each AAF table. The first column is used to adjust contract rent for rental units where the highest cost utility is included in the contract rent, *i.e.,* where the owner pays for the highest cost utility. The second column is used where the highest cost utility is not included in the contract rent, *i.e.,* where the tenant pays for the highest cost utility.

The applicable AAF is selected as follows:

- Determine whether Table 1 or Table 2 is applicable. In Table 1 or Table 2, locate the AAF for the geographic area where the contract unit is located.
- Determine whether the highest cost utility is or is not included in contract rent for the contract unit.
- If highest cost utility is included, select the AAF from the column for ''Highest Cost Utility Included.'' If highest cost utility is not included, select the AAF from the column for ''Highest Cost Utility Excluded.''

V. Methodology

AAFs are rent inflation factors. Two types of rent inflation factors are calculated for AAFs: Gross rent factors and shelter rent factors. The gross rent factor accounts for inflation in the cost of both the rent of the residence and the utilities used by the unit; the shelter rent factor accounts for the inflation in the rent of the residence, but does not reflect any change in the cost of utilities. The gross rent inflation factor is designated as ''Highest Cost Utility Included'' and the shelter rent inflation factor is designated as ''Highest Cost Utility Excluded.''

AAFs are calculated using CPI data on ''rent of primary residence'' and ''fuels and utilities.'' [1] The CPI inflation index for rent of primary residence measures the inflation of all surveyed units regardless of whether utilities are included in the rent of the unit or not. In other words, it measures the inflation of the ''contract rent'' which includes units with all utilities included in the rent, units with some utilities included in the rent, and units with no utilities included in the rent. In producing a gross rent inflation factor and a shelter rent inflation factor, HUD decomposes the contract rent CPI inflation factor into parts to represent the gross rent change and the shelter rent change. This is done by applying data from the Consumer Expenditure Survey (CEX) on the percentage of renters who pay for heat (a proxy for the percentage of renters who pay shelter rent) and also American Community Survey (ACS) data on the ratio of utilities to rents. For Puerto Rico, the Puerto Rico Community Survey (PRCS) is used to determine the ratio of utilities to rents, resulting in different AAFs for some metropolitan areas in Puerto Rico.[2]

Survey Data Used To Produce AAFs

The rent and fuel and utilities inflation factors for large metropolitan areas and Census regions are based on changes in the rent of primary residence and fuels and utilities CPI indices from 2015 to 2016. The CEX data used to decompose the contract rent inflation factor into gross rent and shelter rent inflation factors come from a special tabulation of 2016 CEX survey data produced for HUD. The utility-to-rent ratio used to produce AAFs comes from 2015 ACS median rent and utility costs.

[1] CPI indexes CUUSA103SEHA and CUSR0000SAH2 respectively.

[2] The formulas used to produce these factors can be found in the Annual Adjustment Factors overview and in the FMR documentation at *www.HUDUSER.gov.*

Geographic Areas

AAFs are produced for all Class A CPI cities (CPI cities with a population of 1.5 million or more) and for the four Census Regions. They are applied to Core-Based Statistical Areas (CBSAs) where more than 75 percent of the population of the CBSA is covered by the CPI city-survey. The AAF that is based on that CPI survey is applied to the whole CBSA and to any HUD-defined metropolitan area, called the ''HUD Metro FMR Area'' (HMFA), within that CBSA. If the CBSA is not covered by a CPI city-survey, the CBSA uses the relevant regional CPI factor. All non-metropolitan counties use regional CPI factors, except for those that are in CPI cities, but have been dropped from metropolitan area by OMB definitions (Lenawee County, MI; Ashtabula County, OH; Henderson County, TX; King George County, VA; Island County, WA). For areas assigned the Census Region CPI factor, both metropolitan and non-metropolitan areas receive the same factor.

Each metropolitan area that uses a local CPI update factor is listed alphabetically in the tables and each HMFA is listed alphabetically within its respective CBSA. Each AAF applies to a specific geographic area and to units of all bedroom sizes. AAFs are provided:

- For separate metropolitan areas, including HMFAs and counties that are currently designated as non-metropolitan, but are part of the metropolitan area defined in the local CPI survey.
- For the four Census Regions (to be used for those metropolitan and non-metropolitan areas that are not covered by a CPI city-survey).

AAFs use the same OMB metropolitan area definitions, as revised by HUD, that are used for the FY 2018 FMRs.

Area Definitions

To make certain that they are using the correct AAFs, users should refer to the Area Definitions Table section at *http://www.huduser.gov/portal/datasets/aaf.html.* The Area Definitions Table lists CPI areas in alphabetical order by state, and the associated Census region is shown next to each state name. Areas whose AAFs are determined by local CPI surveys are listed first. All metropolitan areas with local CPI surveys have separate AAF schedules and are shown with their corresponding county definitions or as metropolitan counties. In the six New England states, the listings are for counties or parts of counties as defined by towns or cities. The remaining

counties use the CPI for the Census Region and are not separately listed in the Area Definitions Table at *http://www.huduser.gov/portal/datasets/aaf.html.*

Puerto Rico uses its own AAFs calculated from the Puerto Rico CPI as adjusted by the PRCS, the Virgin Islands uses the South Region AAFs and the Pacific Islands uses the West Region AAFs. All areas in Hawaii use the AAFs listed next to ''Hawaii'' in the Tables which are based on the CPI survey for the Honolulu metropolitan area. The Pacific Islands use the West Region AAFs.

Dated: November 1, 2017.

Todd M. Richardson,

Deputy Assistant Secretary, Office of Policy Development, Office of Policy Development and Research.

[FR Doc. 2017–24330 Filed 11–7–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0070; FXIA16710900000–178–FF09A30000]

Endangered Species; Marine Mammal Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before December 8, 2017.

ADDRESSES: *Submitting Comments:* You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–IA–2017–0070.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2017–0070; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

When submitting comments, please indicate the name of the applicant and the PRT# you are commenting on. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section for more information).

Viewing Comments: Comments and materials we receive will be available for public inspection on *http://www.regulations.gov,* or by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095.

FOR FURTHER INFORMATION CONTACT: Joyce Russell, Government Information Specialist, Division of Management Authority, U.S. Fish and Wildlife Service Headquarters, MS: IA; 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2023; facsimile 703–358–2280.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **FOR FURTHER INFORMATION CONTACT**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

III. Permit Applications

We invite the public to comment on applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (16 U.S.C. 1531 *et seq.*; ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

A. Endangered Species

Applicant: John Warren, Austin, TX; PRT–47139C

The applicant requests a permit to import one male sport-hunted cape mountain zebra (*Equus zebra zebra*) from a captive herd in Ezulu Game Reserve, South Africa, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

Applicant: Craig B. Stanford, South Pasadena, CA; PRT–47036C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for aquatic box turtle (*Terrapene coahuilensis*) to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: 777 Ranch, Inc., Hondo, TX; PRT–017404

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for barasingha (*Cervus duvaucelii*), Eld's Brow-antler deer (*Cervus eldii*), red lechwe (*Kobus leche*), and Arabian oryx (*Oryx leucoryx*) to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Houston Zoo, Inc., Houston, TX; PRT–44006C

The applicant requests a permit to export samples of blue-billed curassow (*Crax alberti*) to the Museum of Zoology, University of Sao Paulo, Brazil, for scientific research. This notification is for a single export.

Single Trophy

The applicant requests a permit to import a sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

Applicant: Fred Jack Perret, Collierville, TN; PRT–47953C

B. Marine Mammals

Applicant: Stephen Kuhn-Hendricks, Tallahassee, FL; PRT–27209C

The applicant requests a permit to acquire manatee mandibles (*Trichechus manatus)* from the Florida Fish and Wildlife Conservation Commission for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Mote Marine Laboratory, Sarasota, Florida; PRT–100361

The applicant requests authorization to renew and amend their permit to take Florida manatees (*T. m. latirostris*) and import manatees (*Trichechus manatus, T. m. latirostris, T. m. manatus, T. inunguis,* and *T. senegalensis*) and dugongs (*Dugong dugon*) for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

IV. Next Steps

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the **Federal Register** notice announcing the permit issuance date by searching in *www.regulations.gov* under the permit number listed in this document.

V. Public Comments

You may submit your comments and materials concerning this notice by one of the methods listed in **ADDRESSES**. We will not consider comments sent by email or fax or to an address not listed in **ADDRESSES**.

If you submit a comment via *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

We will post all hardcopy comments on *http://www.regulations.gov.*

VI. Authorities

Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*);

Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017–24249 Filed 11–7–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2017–N118]; [FXGO1664091HCC0–FF09D00000–178]

International Wildlife Conservation Council Establishment; Request for Nominations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior (DOI) is establishing and seeking nominations for the International Wildlife Conservation Council (Council). The Council will provide advice to the Federal Government, through the Secretary of the Interior (Secretary), on increasing public awareness domestically regarding the conservation, wildlife law enforcement, and economic benefits that result from U.S. citizens traveling to foreign nations to engage in hunting. Additionally, the Council shall advise the Secretary on the benefits international hunting has on foreign wildlife and habitat conservation, anti-poaching and illegal wildlife trafficking programs, and other ways in which international hunting benefits human populations in these areas.

DATES: Comments regarding the establishment of this Council must be submitted no later than November 24, 2017. Nominations for the Council must be submitted by *December 8, 2017.*

ADDRESSES: You may submit comments and/or nominations by any of the following methods:

- Mail or hand-carry nominations to Joshua Winchell, U.S. Fish and Wildlife Service, National Wildlife Refuge System, 5275 Leesburg Pike, Falls Church, VA 22041–3803; or
- Email nominations to: *joshua_winchell@fws.gov*

FOR FURTHER INFORMATION CONTACT: Joshua Winchell, Council Designated Federal Officer, by U.S. mail at the U.S. Fish and Wildlife Service, National Wildlife Refuge System, 5275 Leesburg Pike, Falls Church, VA 22041–3803; by telephone at (703) 358–2639; or by email at *joshua_winchell@fws.gov.*

SUPPLEMENTARY INFORMATION: The Council is established under the authority of the Secretary and regulated by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2). The duties of the Council are solely advisory and include, but are not limited to: Developing a plan for public engagement and education on the benefits of international hunting;

reviewing and making recommendations for changes, when needed, on all Federal programs, and/or regulations, to ensure support of hunting as: (a) An enhancement to foreign wildlife conservation and survival, and (b) an effective tool to combat illegal trafficking and poaching; recommending strategies to benefit the U.S. Fish and Wildlife Service's permit office in receiving timely country data and information so as to remove barriers that impact consulting with range states; recommending removal of barriers to the importation into the United States of legally hunted wildlife; ongoing review of import suspension/bans and providing recommendations that seek to resume the legal trade of those items, where appropriate; reviewing seizure and forfeiture actions/practices, and providing recommendations for regulations that will lead to a reduction of unwarranted actions; reviewing the Endangered Species Act's foreign listed species and interaction with the Convention on International Trade in Endangered Species of Wild Flora and Fauna, with the goal of eliminating regulatory duplications; and recommending methods for streamlining/expediting the process of import permits.

The Council will meet approximately two times per year. The Secretary will appoint members and their alternates to the Council to serve up to a 3-year term. The Council will not exceed 18 discretionary members and 4 ex officio members.

Ex officio members will include:

- Secretary of the Interior or designated DOI representatives; and
- Secretary of State or designated Department of State representatives.

The remaining members will be selected from among, but not limited to, the entities listed below. These members must be senior-level representatives of their organizations and/or have the ability to represent their designated constituency.

- Wildlife and habitat conservation/management organizations;
- U.S. hunters actively engaged in international and/or domestic hunting conservation;
- The firearms or ammunition manufacturing industry;
- Archery and/or hunting sports industry; and
- Tourism, outfitter, and/or guide industries related to international hunting.

Nominations should include a resume providing an adequate description of the nominee's qualifications, including information that would enable DOI to make an informed decision regarding meeting the membership requirements of the Council and to permit DOI to contact a potential member.

Members of the Council serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council or subcommittee business that the DFO approves may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

Public Disclosure 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 review, we cannot guarantee that we will be able to do so.

Certification Statement: I hereby certify that the International Wildlife Conservation Council is necessary and is in the public interest in connection with the performance of duties imposed on the Department of the Interior 43 U.S.C. 1457, under the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j), and other Acts applicable to specific bureaus.

Authority: 5 U.S.C. Appendix 2.

Dated: November 3, 2017.

Ryan K. Zinke,

Secretary, Department of the Interior.

[FR Doc. 2017–24328 Filed 11–7–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

[FWS–R4–ES–2017–N156; FVHC98220410150–XXX–FF04G01000]

Notice of Availability; Florida Trustee Implementation Group *Deepwater Horizon* Oil Spill Draft Phase V.2 Restoration Plan and Supplemental Environmental Assessment; Florida Coastal Access Project

AGENCY: Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: In accordance with the Oil Pollution Act of 1990, the National Environmental Policy Act, the *Deepwater Horizon* Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), and the resulting Consent Decree, the Federal and State natural resource trustee agencies for the Florida Trustee Implementation Group (Florida TIG) have prepared a Draft Phase V.2 Restoration Plan and Supplemental Environmental Assessment (Draft Phase V.2 RP/SEA). The Draft Phase V.2 RP/SEA supplements the 2016 Final Phase V Early Restoration Plan and Environmental Assessment (Final Phase V ERP/EA) and describes and proposes the second phase of the Florida Coastal Access Project intended to continue the process of restoring natural resources and services injured or lost as a result of the *Deepwater Horizon* oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico.

DATES: The Florida TIG will consider public comments received on or before December 8, 2017.

Public Meeting: The Florida TIG has scheduled a public meeting to facilitate public review and comment on the Draft Phase V.2 RP/SEA. Both written and verbal comments will be taken at the public meeting. The Florida TIG will hold an open house followed by a public meeting. The public meeting will include a presentation of the Draft Phase V.2 RP/SEA. The public meeting schedule is as follows:

Date	Time	Location
November 16, 2017	5:30 to 6:30 p.m.: Open house—6:30 to 8:00 p.m.: Public meeting (presentations and discussion).	Robert M. Moore Administration Building, 1000 Cecil G. Costin Sr. Blvd., Port St. Joe, FL 32456.

ADDRESSES: *Obtaining Documents:* You may download the Draft Phase V.2 RP/SEA at any of the following sites:

- *http://www.gulfspillrestoration.noaa.gov.*
- *http://www.doi.gov/deepwaterhorizon.*
- *http://dep.state.fl.us/deepwaterhorizon/default.htm.*

Alternatively, you may request a CD of the Draft Phase V.2 RP/SEA (see **FOR**

FURTHER INFORMATION CONTACT). You may also view the document at any of the public facilities listed at *http://www.gulfspillrestoration.noaa.gov.*

Submitting Comments: You may submit comments on the Draft Phase V.2 RP/SEA by one of following methods:

- Via the Web: *http://www.gulfspillrestoration.noaa.gov.*
- Via U.S. Mail: U.S. Fish and Wildlife Service, P.O. Box 49567, Atlanta, GA 30345.

In order to be considered, mailed comments must be postmarked on or before the comment deadline given in the **DATES** section of this notice.

- In Person: Written and oral comments may be submitted at the public meeting on November 16, 2017 (see Public Availability of Comments below).

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado, at 404–679–4161, or email *nanciann_regalado@fws.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

On or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest off shore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over 1 million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The Trustees conducted the natural resource damage assessment (NRDA) for the *Deepwater Horizon* oil spill under OPA. Pursuant to OPA (OPA; 33 U.S.C. 2701 *et seq.*), Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The *Deepwater Horizon* Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (EPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

Upon completion of the NRDA, the Trustees reached and finalized a settlement of their natural resource damage claims with BP in an April 4, 2016, Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Florida Restoration Area are now chosen and managed by the Florida TIG. The Florida TIG is composed of the following six Trustees: State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; DOI; NOAA; EPA; and USDA.

Background

In the 2011 Framework Agreement for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill (Framework Agreement), BP agreed to provide to the Trustees up to $1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the *Deepwater Horizon* oil spill. The Framework Agreement represented a preliminary step toward the restoration of injured natural resources and was intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. Early restoration was not intended to and did not fully address all injuries caused by the *Deepwater Horizon* oil spill.

In the five phases of the early restoration process, the Trustees selected, and BP agreed to fund, a total of 65 early restoration projects expected to cost a total of approximately $877 million. The Trustees selected these projects after public notice, public meetings, and consideration of public comments, through the Phase I Early Restoration Plan/Environmental Assessment (Phase I ERP/EA), Phase II Early Restoration Plan/Environmental Review (Phase II ERP/ER), Phase III ERP/PEIS, Phase IV Early Restoration Plan/Environment Assessments (Phase IV ERP/EA), and Phase V ERP/EA. These plans are available at: *http://www.doi.gov/deepwaterhorizon.*

The April 4, 2016, Consent Decree terminated and replaced the Framework Agreement and provided that the Trustees shall use remaining early restoration funds as specified in the early restoration plans and in accordance with the Consent Decree. The Trustees have determined that decisions concerning any unexpended early restoration funds are to be made by the appropriate Trustee Implementation Group for that project.

Overview of the Draft Phase V.2 RP/SEA

In the Final Phase V ERP/EA, the *Deepwater Horizon* State and Federal natural resource trustees (Trustees) evaluated and selected the first phase of the Florida Coastal Access Project. The Final Phase V ERP/EA provided that the Florida Coastal Access Project would proceed in phases, and that these future phases would consist of similar restoration activities to be identified and selected by the Trustees in the same manner and using the same criteria as described in the Final Phase V ERP/EA, in accordance with OPA, NEPA, and other applicable laws, and after public review of the proposed activities.

The proposed second phase of the Florida Coastal Access Project is consistent with the early restoration program alternatives selected in the Final Phase III Early Restoration Plan/Programmatic Environmental Impact Statement (Final Phase III ERP/PEIS) and the Final PDARP/PEIS. The purpose of this notice is to inform the public of the availability of the Draft Phase V.2 RP/SEA and to seek public comments on the proposed second phase of the Florida Coastal Access Project and supporting analysis.

The Draft Phase V.2 RP/SEA is being released in accordance with OPA, NRDA regulations found in the Code of Federal Regulations (CFR) at 15 CFR

part 990, NEPA, the Consent Decree, the Final PDARP/PEIS, the Phase III ERP/PEIS and the Phase V ERP/EA.

The Florida TIG is considering the second phase of the Florida Coastal Access Project in the Draft Phase V.2 RP/SEA to address lost recreational opportunities in Florida caused by the *Deepwater Horizon* oil spill. In the Draft Phase V.2 RP/SEA, the Florida TIG proposes one preferred alternative, the Salinas Park Addition, which involves the acquisition and enhancement of a 6.6-acre coastal parcel. The Florida Coastal Access Project was allocated approximately $45.4 million in early restoration funds, and the Salinas Park Addition would cost approximately $3.1 million of the $6.4 million remaining funds not utilized in the first phase of the Florida Coastal Access Project. The Florida TIG also considered two additional land acquisition and improvement alternatives, as well as the no action alternative in the Draft Phase V.2 RP/SEA. One or more alternatives may be selected for implementation by the Florida TIG in the Final Phase V.2 RP/SEA or in future restoration plans. Details on the proposed second phase of the Florida Coastal Access Project are provided in the Draft Phase V.2 RP/SEA.

The proposed second phase of the Florida Coastal Access Project is intended to continue the process of using restoration funding to restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill. Additional restoration planning for the Florida Restoration Area will continue.

Next Steps

As described above, a public meeting is scheduled to facilitate the public review and comment process on the Draft Phase V.2 RP/SEA. After the public comment period ends, the Florida TIG will consider and address the comments received before issuing a final Phase V.2 RP/SEA.

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 review, we cannot guarantee that we will be able to do so.

Administrative Record

The documents comprising the Administrative Record for the Draft Phase V.2 RP/SEA can be viewed electronically at *http://www.doi.gov/deepwaterhorizon/administrativerecord.*

Authority

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and its implementing Natural Resource Damage Assessment regulations found at 15 CFR part 990 and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Kevin D. Reynolds,

Designated Department of the Interior Natural Resource Trustee Official.

[FR Doc. 2017–24197 Filed 11–7–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[18XD0120AF/DT20000000/DST000000/241A/T0110100]

Tribal Consultation on Indian Trust Asset Reform Act (ITARA) Sec. 304, Transition Plan for the Office of the Special Trustee for American Indians

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Department of the Interior (Department) will be hosting two Tribal consultation sessions on a proposal to transfer the Office of the Special Trustee for American Indians (OST) to report to the Office of the Assistant Secretary—Indian Affairs (AS–IA) in FY 2018 via a Secretary's Order. Under the proposal, the office would be headed temporarily by the Principal Deputy Special Trustee, who would be delegated the authorities of the Special Trustee for American Indians. Subsequently, the Department plans to appoint a career executive to act as the Director of OST.

DATES: Tribal consultation sessions will be held by phone on Wednesday, December 13, 1:00 p.m.– 4:00 p.m. EST, and Thursday, December 14, 9:00 a.m.–12:00 p.m. EST. Comments on this proposal must be received by January 15, 2018.

ADDRESSES: Please submit comments via email to *consultation@bia.gov* or mail to Attn: ITARA Transition, c/o Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action—Indian Affairs, 1849 C Street NW., Mail Stop 4660, Washington, DC 20240. The toll free call-in number for the consultation sessions is: (888) 324–2907, and the passcode is 9793554. Additional information is available at *www.doi.gov/OST/ITARA.*

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, Office of the Assistant Secretary—Indian Affairs, at *elizabeth.appel@bia.gov* or (202) 273–4680.

SUPPLEMENTARY INFORMATION: OST was established in the Department by the American Indian Trust Fund Management Reform Act of 1994 (1994 Act), Public Law 103–412, when Congress decided a Special Trustee was needed to oversee reforms relating to trust responsibilities throughout the Department. In 1996, the Secretary of the Interior (Secretary) transferred management of Indian trust funds from the Bureau of Indian Affairs (BIA) to the OST. *See* Secretarial Order No. 3197. OST has implemented reforms and managed Indian trust funds for over 20 years.

In June 2016, Congress passed the Indian Trust Asset Reform Act (ITARA), Public Law 114–178. ITARA Section 304(a) requires the Secretary to prepare and submit a plan for the transition of functions of the OST to other bureaus or agencies within the Department within two years of submission of the plan to Congress. Beginning in August 2016, the Department held one listening session and 10 Tribal consultation sessions throughout Indian Country and held an open period to solicit comments via a notice in the **Federal Register**. Based on consultation feedback, the Department determined that the most appropriate place for OST's core functions is to remain with OST as a permanent organization. To ensure fully integrated Indian policy and programs, we propose to realign OST to report to AS–IA. To meet the two-year deadline required by ITARA Section 304(a), the Department proposes transferring the OST to AS–IA in FY 2018 via a Secretary's Order.

Today, the OST holds approximately $5 billion under trust management and administers approximately 3,400 tribal trust accounts for more than 250 Indian Tribes and over 400,000 Individual Indian Money (IIM) accounts. Each year, OST disburses roughly $1.2 billion to individual Indians and tribes. Receipting, investing, and disbursing activity is accomplished through the processing of 10.3 million financial transactions.

The OST organization features five Regional Trust Administrators with extensive backgrounds in trust management, with over 50 Fiduciary Trust Officers to serve as the primary

point-of-contact for beneficiaries on trust matters, allowing OST to coordinate trust asset management activities with the BIA, tribes, and individual beneficiaries in their respective geographic areas. The OST operates a Trust Beneficiary Call Center (TBCC) to support a strong beneficiary trust relationship as envisioned in the original reform goals.

Section 306 of ITARA requires the Secretary to identify cost savings that would result from the elimination of ''any program, function, service, or activity . . . of the Office of the Special Trustee that will not be operated or carried out as a result of a transfer of functions and personnel following enactment of this Act''. As the proposed plan calls for all functions of OST to be transferred under AS–IA intact, there will be no cost savings as defined by ITARA.

Moreover, appropriations for OST increased relatively quickly after its inception as functions were transferred from other organizations within the Department to OST. Funding levels peaked in FY 2007 when OST received $223.3 million. In the last decade, however, funding has steadily decreased as reforms have been completed and efficiencies have been realized. In FY 2017, OST received $138.8 million—a 38 percent decrease from its peak funding. Any cost savings resulting from trust reforms have already been captured in the form of decreased budget requests.

Authority: E.O. 13175, 65 FR 67250.

Jerold Gidner,

Principal Deputy Special Trustee.

[FR Doc. 2017–24319 Filed 11–7–17; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024147; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Fish and Wildlife Service, Alaska Region, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service, Alaska Region, (Alaska Region USFWS), has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Alaska Region USFWS. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribes or Native Hawaiian organizations, not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Alaska Region USFWS at the address in this notice by December 8, 2017.

ADDRESSES: Edward J. DeCleva, Regional Historic Preservation Officer, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS–235, Anchorage, AK 99503, telephone (907) 786–3399, email *edward_decleva@fws.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Alaska Region USFWS. The human remains and associated funerary objects were recovered from site 049–KOD–00083, Kodiak Island Borough, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Alaska Region USFWS professional staff in consultation with representatives of the Alutiiq Museum and Archaeological Repository of Kodiak, Alaska, acting as agent for the Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor), Kaguyak Village, Native Village of Afognak, Native Village of Akhiok, Native Village of Larsen Bay, Native Village of Ouzinkie, Native Village of Port Lions, Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak), and the Tangirnaq Native Village (formerly Lesnoi Village (aka Woody Island)).

History and Description of the Remains

Beginning in 1961 and continuing through 1963, human remains representing, at minimum, 23 individuals, including 17 adults (two possible males, two possible females, and 13 individuals of indeterminate sex), five sub adults, and one infant were removed from the Three Saints Bay site (049–KOD–00083) on Kodiak Island as part of the Aleut-Konyag project conducted by the University of Wisconsin-Madison, under the direction of Morgan Usadel, Donald Clark, William Workman, and Peter Storck. The collection was curated and stored at the University of Wisconsin-Madison until 2006. The U.S. Army Corps of Engineers, working with the Regional Historic Preservation Officer of the Alaska Region USFWS to determine locations of Alaskan archeological collections, located and recovered this collection, conducted a complete inventory, and returned the human remains to the Alaska Region USFWS for storage. No known individuals were identified. The 23 associated funerary objects include 19 unmodified faunal remains, 1 lot of charcoal samples, 1 carved bone figurine pin, 1 amber bead, and 1 bone buckle.

The Three Saints Bay site is a two component site, the lower component corresponds to the prehistoric late Kachemak tradition winter settlement dating to BP 2000 to 1100. The upper component consists of seven or eight log houses, warehouse, barns, bunkhouses, carpentry shop, and storage buildings of the first settlement established in North America by the Russian American Company in 1784. Five to nine burials were encountered at Three Saints Bay which, according to Donald Clark's 1970 report, exhibited burial practices that fit within the general Kachemak traditional pattern.

The present-day descendant of the Kachemak tradition is the Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor).

Determinations Made by the Alaska Region USFWS

Officials of the Alaska Region USFWS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice

represent the physical remains of 23 individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 23 associated funerary objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Edward DeCleva, Regional Historic Preservation Officer, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS–235, Anchorage, AK 99503, telephone (907) 786–3399, email *edward_decleva@fws.gov,* by December 8, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor) may proceed.

The Alaska Region, USFWS are responsible for notifying the Alutiiq Museum and Archaeological Repository of Kodiak, Alaska, acting as agent for the Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor), Kaguyak Village, Native Village of Afognak, Native Village of Akhiok, Native Village of Larsen Bay, Native Village of Ouzinkie, Native Village of Port Lions, Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak), Tangirnaq Native Village (formerly Lesnoi Village (aka Woody Island)) that this notice has been published.

Dated: September 14, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–24231 Filed 11–7–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024164; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Museum of Texas Tech University, Lubbock, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Museum of Texas Tech University, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Museum of Texas Tech University. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Museum of Texas Tech University at the address in this notice by December 8, 2017.

ADDRESSES: Dr. Eileen Johnson, Museum of Texas Tech University, 3301 4th Street, Box 43191, Lubbock, TX 79409–3191, telephone (806) 742–2442, email *eileen.johnson@ttu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Museum of Texas Tech University, Lubbock, TX, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

At an unknown date, 39 cultural items were removed from multiple unknown locations. Of these, 38 of the cultural items were purchased by Dr. Lou Dunn Diekemper from the Morning Star Gallery in Santa Fe, NM, between 1985 and 1987. The history of these cultural items prior to being acquired by the Morning Star Gallery is unknown. Dr. Lou Dunn Diekemper donated these items to the Museum of Texas Tech University in 2006. The remaining item was purchased by Evelyn Davies in 2004 from the Adobe Gallery in Santa Fe, NM. The history of this object prior to being acquired by the Adobe Gallery is unknown. Evelyn Davies donated this item to the Museum of Texas Tech University in 2016. The 39 sacred items are 4 pahoes, 1 bandolier bag, and 3 jish and their contents that make up the remaining 31 items.

Representatives of the Navajo Nation, Arizona, New Mexico & Utah examined records for these items, and consider them all to be sacred objects and objects of cultural patrimony belonging to the Navajo people. These representatives confirmed that Navajo jish are still in ceremonial use by the Navajo today, and can be possessed only by someone with proper ceremonial knowledge. Information from the Morning Star Gallery associated with the cultural items states that they are Navajo items intended for ceremonial use, and this information is consistent with related accession, catalog, and documentary information maintained by the Museum of Texas Tech University.

Determinations Made by the Museum of Texas Tech University

Officials of the Museum of Texas Tech University have determined that:

• Pursuant to 25 U.S.C. 3001(3)(C), the 39 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and Navajo Nation, Arizona, New Mexico & Utah.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. Eileen Johnson, Museum of Texas

Tech University, 3301 4th Street, Box 43191, Lubbock, TX 79409–3191, telephone (806) 742–2442, email *eileen.johnson@ttu.edu,* by December 8, 2017. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to Navajo Nation, Arizona, New Mexico & Utah may proceed.

The Museum of Texas Tech University is responsible for notifying the Navajo Nation, Arizona, New Mexico & Utah that this notice has been published.

Dated: September 15, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–24232 Filed 11–7–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024193; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, Clarkdale, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Tuzigoot National Monument. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Tuzigoot National Monument at the address in this notice by December 8, 2017.

ADDRESSES: Dorothy FireCloud, Superintendent, Tuzigoot National Monument, P.O. Box 219, Camp Verde, AZ 86322, telephone (928) 567–5276, email *dorothy_firecloud@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, Clarkdale, AZ. The human remains and associated funerary objects were removed from a site in Yavapai County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Tuzigoot National Monument.

Consultation

A detailed assessment of the human remains was made by Tuzigoot National Monument professional staff in consultation with representatives of the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Tribes'').

History and Description of the Remains

In 1955, human remains representing, at minimum, one individual were removed from a prehistoric village site located on the east side of the Clarkdale Smelter property in Yavapai County, AZ, by Ed Starkey and later donated to Tuzigoot National Monument. No known individuals were identified. The 22 associated funerary objects are 16 shell bracelets, 1 jar, and 5 bowls.

The Ak Chin Indian Community of Maricopa (Ak Chin) Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona comprise one cultural group known as the O'odham. Material culture items found at the site, including associated funerary objects, demonstrate continuity between the people of the prehistoric village site located on the east side of the Clarkdale Smelter and the O'odham. These items include a Sacaton red on buff bowl and locally made plainware ceramics that are similar in construction and appearance to plainware ceramics made in lands attributed to the Hohokam archeological culture, commonly considered to be ancestral O'odham. Consultation with O'odham Tribes also indicates that oral traditions exist that describe ancestral O'odham people living in the Verde Valley.

The Fort McDowell Yavapai Nation, Arizona, traces ancestry to Yavapai bands once living in the Verde Valley. Consultation with Yavapai Tribes indicates the existence of specific ancestral names for the sites in the Verde Valley and a belief that ancestors lived near the sites. Archeological sites identified as Yavapai have also been found near the prehistoric village site on the east side of the Clarkdale Smelter. Additionally, the prehistoric village site on the east side of the Clarkdale Smelter is identified as being within the Yavapai traditional lands.

The Hopi Tribe of Arizona considers all of Arizona to be within traditional Hopi lands or within areas where Hopi clans migrated in the past. Evidence demonstrating continuity between the people that lived at the prehistoric village site on the east side of the Clarkdale Smelter and the Hopi Tribe includes archeological, anthropological, linguistic, folkloric and oral traditions. Ceramic vessels associated with the Kayenta tradition demonstrate continuity between the prehistoric village, and the Hopi people. During consultation, Hopi clan members also identified ancestral names and traditional stories about specific events and ancestral people in the Verde Valley.

The Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona) traces ancestry to Yavapai bands once living in the Verde Valley. Consultation with Yavapai Tribes indicates the existence of specific ancestral names for the sites in the Verde Valley and a belief that ancestors lived near the sites. Archeological sites identified as Yavapai have also been found near the prehistoric village site on the east side of the Clarkdale Smelter. Additionally, the prehistoric village site

on the east side of the Clarkdale Smelter is identified as being within the Yavapai traditional lands.

The Zuni Tribe of the Zuni Reservation, New Mexico, considers the Verde Valley to be within the migration path of ancestral Zuni people. Archeological evidence, including similarities in ceramic designs demonstrates continuity between the people of the Verde Valley during A.D. 1125–1425 and the people of Zuni.

Determinations Made by Tuzigoot National Monument

Officials of Tuzigoot National Monument have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 22 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dorothy FireCloud, Superintendent, Tuzigoot National Monument, P.O. Box 219, Camp Verde, AZ 86322, telephone (928) 567–5276, email *dorothy_firecloud@nps.gov,* by December 8, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

Tuzigoot National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: September 21, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–24235 Filed 11–7–17; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024161; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: New York State Museum, Albany, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New York State Museum, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the New York State Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the New York State Museum at the address in this notice by December 8, 2017.

ADDRESSES: Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230, telephone (518) 486–2020, email *lisa.anderson@nysed.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the New York State Museum, Albany, NY, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1898, the New York State Museum (hereafter ''Museum'') acquired one cultural item from Harriet Maxwell Converse of New York City, NY. Museum records indicate that Converse acquired the mask from Charlie Adams on the Tonawanda Seneca Reservation (E–37613).

In 1906, Arthur C. Parker, Museum ethnologist and archeologist, purchased one cultural item for the New York State Museum. The cultural item is a wooden medicine mask (E–37039). Museum records indicate the medicine face was obtained from an individual on the Tonawanda Seneca Reservation who ceremonially passed the object and its inhabiting spirit on to Parker's care.

In 1918, Arthur C. Parker purchased a cultural item for the Museum from Mrs. Laura Doctor on the Tonawanda Seneca Reservation. The cultural item is a wooden medicine face (E–36869). Museum records indicate the medicine mask once belonged to Ely S. Parker, a prominent member of the Tonawanda Seneca Nation who was the uncle of Mrs. Doctor and the great-uncle of Arthur C. Parker. Ely S. Parker assisted Lewis Henry Morgan with his study of Iroquois culture, served in the Civil War as adjutant for General Ulysses S. Grant, and later became the first Native American Commissioner of Indian Affairs.

Traditional religious leaders of the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York) have identified these three medicine masks as being needed for the practice of traditional Native American religions by present-day adherents. Museum documentation, supported by oral evidence presented during consultation with members of the Haudenosaunee Standing Committee on Burial Rules and Regulations, indicates that these medicine masks are culturally affiliated with the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York).

Determinations Made by the New York State Museum

Officials of the New York State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the three cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group

identity that can be reasonably traced between the sacred objects and the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230 telephone (518) 486–2020, email *lisa.anderson@nysed.gov,* by December 8, 2017. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York) may proceed.

The New York State Museum is responsible for notifying the Cayuga Nation; Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin); Oneida Nation of New York; Onondaga Nation; Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York); Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); and Tuscarora Nation that this notice has been published.

Dated: September 15, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–24230 Filed 11–7–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024162; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: New York State Museum, Albany, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New York State Museum, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the New York State Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the New York State Museum at the address in this notice by December 8, 2017.

ADDRESSES: Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230, telephone (518) 486–2020, email *lisa.anderson@nysed.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the New York State Museum, Albany, NY, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1898, Harriet Maxwell Converse of New York City, NY, donated 18 cultural items to the New York State Museum (hereafter ''Museum''). The 18 cultural items are wooden medicine masks (E–36730, E–36914, E–37016, E–37017, E–37033, E–37038, E–37053, E–37054, E–37057, E–37598, E–37601, E–37604, E–37608, E–37616, E–52, E–59). Museum records identify the masks as Seneca.

In the late 19th or early 20th century, the Museum acquired two cultural items. The two cultural items are wooden medicine masks (E–37023, E–37605) identified in Museum records as Seneca.

In 1905, Arthur C. Parker, Museum ethnologist and archeologist, acquired one cultural item (E–37031). The cultural item is a wooden medicine mask identified in Museum records as Seneca.

In 1909, Arthur C. Parker acquired one cultural item, a wooden medicine mask (E–37042) for the Museum. The mask is identified in Museum records as Seneca.

In 1909, John M. Clarke, Museum Director, acquired one cultural item, a wooden medicine mask (E–36867) for the Museum. Museum records identify the mask as probably Seneca.

In 1910, Arthur C. Parker acquired one cultural item, a cornhusk medicine mask (E–36925) for the Museum. Museum records indicate the mask is Seneca.

In 1913, Arthur C. Parker acquired two cultural items for the Museum. The two cultural items are cornhusk medicine masks (E–36924A, E–36924B). Museum records indicate the masks are Seneca.

In 1916, Arthur C. Parker acquired one cultural item, a cornhusk medicine mask (E–37570F) for the Museum. The mask was used in an exhibit, and may have been commissioned from Sophia Jones of Lawton, NY.

In 1956, the Museum purchased two cultural items from the Logan Museum of Anthropology, Beloit College, WI. The cultural items were part of a larger collection made by Albert Green Heath. One cultural item is a wooden medicine mask (E–50316), and the other is a turtle shell medicine mask purchased from an individual identified only as P.W. (E–50318).

In 1957, Archibald T. Shorey of Albany, NY, donated three cultural items to the Museum. The cultural items are wooden medicine masks (E–50400, E–50401, E–50402). Museum records identify the three cultural items as Seneca.

In 1958, the Museum acquired one cultural item from Sam Grey Wolf (E–50415). The cultural item is a wooden medicine mask. A notation written on the inside of the mask indicates it was made by Jessie Cornplanter.

In 2008, the Schenectady Historical Society, Schenectady, NY, transferred one cultural item. The cultural item is a miniature cornhusk medicine mask (E2008.5.41). Museum records identify the mask as Seneca.

Traditional religious leaders of the Seneca Nation of Indians (previously listed as the Seneca Nation of New York) and the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York) have identified these 32 medicine masks as being needed for the practice of traditional Native American religions by present-day adherents. Museum documentation, supported by

oral evidence presented during consultation with members of the Haudenosaunee Standing Committee on Burial Rules and Regulations, indicates that these medicine masks are culturally affiliated with the Seneca Nation of Indians (previously listed as the Seneca Nation of New York) and the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York).

Determinations Made by the New York State Museum

Officials of the New York State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 32 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and the Seneca Nation of Indians (previously listed as the Seneca Nation of New York) and the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230 telephone (518) 486–2020, email *lisa.anderson@nysed.gov,* by December 8, 2017. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to the Seneca Nation of Indians (previously listed as the Seneca Nation of New York) and the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York) may proceed.

The New York State Museum is responsible for notifying the Cayuga Nation; Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin); Oneida Nation of New York; Onondaga Nation; Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York); Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); and the Tuscarora Nation that this notice has been published.

Dated: September 15, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–24228 Filed 11–7–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024192: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, Clarkdale, AZ; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on July 28, 2014. This notice corrects the minimum number of individuals and number of associated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Tuzigoot National Monument. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Tuzigoot National Monument at the address in this notice by December 8, 2017.

ADDRESSES: Dorothy FireCloud, Superintendent, Tuzigoot National Monument, P.O. Box 219, Camp Verde, AZ 86322, telephone (928) 567–5276, email *dorothy_firecloud@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, Clarkdale, AZ. The human remains and associated funerary objects were removed from multiple locations in Coconino and Yavapai Counties, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Tuzigoot National Monument.

This notice corrects the minimum number of individuals and number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (79 FR 43774, July 28, 2014). The human remains and associated funerary objects were inadvertently omitted from the published notice. Transfer of control of the additional items in this correction notice has not occurred.

Correction

In the **Federal Register** (79 FR 43775, July 28, 2014), column 2, paragraph 3, sentence 1, under the heading ''History and Description of the Remains,'' is corrected by substituting the following sentence:

At unknown dates, human remains representing, at minimum, 20 individuals were removed from unknown locations in Yavapai County, AZ.

In the **Federal Register** (79 FR 43775, July 28, 2014), column 2, paragraph 5, under the heading ''History and Description of the Remains,'' is corrected by substituting the following paragraph:

At unknown dates, human remains representing, at minimum, 19 individuals were removed from unknown locations in Yavapai County, AZ. The remains were found in Tuzigoot National Monument collections at the National Park Service's Western Archeological and Conservation Center and so were likely removed from the area of the monument. No known individuals were identified. The one associated funerary object is a soil sample.

In the **Federal Register** (79 FR 43775, July 28, 2014), column 2, under the heading ''History and Description of the Remains,'' is corrected by adding the following paragraph after paragraph 7:

In 1954, human remains representing, at minimum, one individual were removed from the Will Steele property in Coconino County, AZ by Tapco workmen working on the property. No known individuals were identified. The one associated funerary object is a bead.

In the **Federal Register** (79 FR 43775, July 28, 2014), column 3, paragraph 2, under the heading ''Determinations Made by Tuzigoot National Monument,'' is corrected by substituting the following paragraphs:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 51 individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. The National Park Service intends to convey the associated funerary objects to the Tribes pursuant to 54 U.S.C. 102503(g) through (i) and 54 U.S.C 102504.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to Dorothy FireCloud, Superintendent, Tuzigoot National Monument, P.O. Box 219, Camp Verde, AZ 86322, telephone (928) 567–5276, email *dorothy_firecloud@nps.gov,* by December 8, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Ak Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Apache Tribe of Oklahoma; Fort McDowell Yavapai Nation, Arizona; Fort Sill Apache Tribe of Oklahoma; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tohono O'odham Nation of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Tribes'') may proceed.

Tuzigoot National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: September 21, 2017

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–24234 Filed 11–7–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024154; PCU00RP14.R50000–PPWOCRDN0]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by December 8, 2017.

ADDRESSES: Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC. The human remains and associated funerary objects were removed from a site in the southern portion of the Blackfeet Indian Reservation of Montana, Glacier County, MT.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the U.S. Department of the Interior, Bureau of Indian Affairs, professional staff in consultation with representatives of the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

History and Description of the Remains

In September of 1961, human remains representing, at minimum, four individuals were removed by Thomas Kehoe, Archeologist and Curator of the Museum of the Plains Indian, from a site in Glacier County, MT. At the time of this surface removal, the Museum of the Plains Indian was a part of the Bureau of Indian Affairs, and Kehoe had been conducting extensive archeological surveys throughout the Blackfeet Indian Reservation. A note found in the box with these items states, ''Surface burial found in Southern portion of Blackfeet Reservation, CUA, 9/61.'' The human remains have continued to be housed at the Museum since being collected. No known individuals were identified. The 41 associated funerary objects are 5 small wooden ladders, 4 spoons, 1 partial key, 1 bullet press, 1 iron, 1 ladle, 1 enamel tin cup, 2 belt buckles, 1 scissors blade, 1 bucket part, 16 beads, and 7 brass buttons.

Determinations Made by the Bureau of Indian Affairs

Officials of the Bureau of Indian Affairs have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on biological and historical evidence.

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of four

individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 41 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.

• Pursuant to 25 U.S.C. 3001 (15), the land from which the Native American human remains and associated funerary objects were removed is the tribal land of the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by December 8, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana may proceed.

The Bureau of Indian Affairs is responsible for notifying the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana that this notice has been published.

Dated: September 14, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–24233 Filed 11–7–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024163; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: New York State Museum, Albany, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New York State Museum, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the New York State Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the New York State Museum at the address in this notice by December 8, 2017.

ADDRESSES: Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230, telephone (518) 486–2020, email *lisa.anderson@nysed.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the New York State Museum, Albany, NY, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1898, the New York State Museum (hereafter ''Museum'') acquired three wooden medicine masks from Harriet Maxwell Converse of New York City, NY. Two of the cultural items were obtained on the Cattaraugus Reservation (E–37059, E–37623), and one was acquired at Salamanca, NY (E–37048).

In 1905, Arthur C. Parker, Museum ethnologist and archeologist, acquired two wooden medicine masks from the Cattaraugus Reservation for the Museum. Parker reported one of the masks, made of wood and rabbit skin, was used to expel the causes of venereal disease (E–36897). The other reportedly represented Ganuska, the Stone Giant, and was purchased from Nancy Cook through Mrs. A. C. Parker (E–36928).

In 1908, Arthur C. Parker obtained four wooden medicine masks for the Museum from Delos Kettle of Lawton, NY. Parker attributed three of the medicine masks to the I'dos Society (E–36864, E–36865, E–36866). A fourth medicine mask was unattributed (E–37022).

In June of 1909, Arthur C. Parker commissioned one partially carved medicine mask for the Museum to be made on the Cattaraugus Reservation (E–36917). The face was carved on the trunk of a basswood tree by a man named either Jonas or Green, with Delos Kettle in attendance.

In 1910, Arthur C. Parker acquired two cornhusk medicine masks on the Cattaraugus Reservation in New York for the Museum (E–36922A, E–36922B).

In 1933, Willard A. Gibson of Salamanca, NY, donated one cultural item to the Museum. The item is a cornhusk medicine mask that was given to him by Louis Plummer at Allegany, NY (E–37965).

In 1956, the Museum purchased two cultural items from the Logan Museum of Anthropology at Beloit College, WI. The cultural items were part of a larger collection made by Albert Green Heath. One of the cultural items is a wooden medicine mask that Heath purchased from Wilson Stevens on the Cattaraugus Reservation (E–50315). The other is a miniature cornhusk medicine mask that he obtained from Delos Big Kettle at Lawtons, NY, in 1912 (E–50312).

Traditional religious leaders of the Seneca Nation of Indians (previously listed as the Seneca Nation of New York) have identified these 15 medicine faces as being needed for the practice of traditional Native American religions by present-day adherents. Museum documentation, supported by oral evidence presented during consultation

with members of the Haudenosaunee Standing Committee on Burial Rules and Regulations, indicates that these medicine faces are culturally affiliated with the Seneca Nation of Indians (previously listed as the Seneca Nation of New York).

Determinations Made by the New York State Museum

Officials of the New York State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 15 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and the Seneca Nation of Indians (previously listed as the Seneca Nation of New York).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230 telephone (518) 486–2020, email *lisa.anderson@nysed.gov,* by December 8, 2017. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to the Seneca Nation of Indians (previously listed as the Seneca Nation of New York) may proceed.

The New York State Museum is responsible for notifying the Cayuga Nation; Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin); Oneida Nation of New York; Onondaga Nation; Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York); Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); and the Tuscarora Nation that this notice has been published.

Dated: September 15, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–24229 Filed 11–7–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024160; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: New York State Museum, Albany, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New York State Museum, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the New York State Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the New York State Museum at the address in this notice by December 8, 2017.

ADDRESSES: Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230, telephone (518) 486–2020, email *lisa.anderson@nysed.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the New York State Museum, Albany, NY, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1850, the New York State Museum (hereafter ''Museum'') purchased one cultural item from Lewis Henry Morgan of Rochester, NY. The cultural item is a wooden medicine mask that Morgan obtained from a member of the Onondaga Nation at the Six Nations Reserve in Canada (E–36909).

In 1898, Harriet Maxwell Converse of New York City, NY, donated five cultural items to the Museum. The cultural items are five wooden medicine masks (E–37015, E–37043, E–37614, E–37626, E–94). Museum records indicate one of the masks was purchased from the son of Tadodaho in July 1898.

In 1907, the Museum purchased one cultural item from Mark R. Harrington of Covert and Harrington in New York City, NY. The cultural item is a wood and cornhusk medicine mask obtained from Albert Silversmith at the Six Nations Reserve in Canada (E–37018).

In 1911, Arthur C. Parker, Museum ethnologist and archeologist, acquired one cultural item for the Museum. The cultural item is a wooden medicine mask obtained (E–37037).

Traditional religious leaders of the Onondaga Nation have identified these eight medicine faces as being needed for the practice of traditional Native American religions by present-day adherents. Museum documentation, supported by oral evidence presented during consultation with members of the Haudenosaunee Standing Committee on Burial Rules and Regulations, indicates that these medicine faces are culturally affiliated with the Onondaga Nation.

Determinations Made by the New York State Museum

Officials of the New York State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 8 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and the Onondaga Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to

Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230 telephone (518) 486–2020, email *lisa.anderson@nysed.gov,* by December 8, 2017. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to the Onondaga Nation may proceed.

The New York State Museum is responsible for notifying the Cayuga Nation; Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin); Oneida Nation of New York; Onondaga Nation; Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York); Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); and the Tuscarora Nation that this notice has been published.

Dated: September 15, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–24227 Filed 11–7–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[PPWODIREP0;PPMPSPD1Y.YM0000]

"Made in America" Outdoor Recreation Advisory Committee Establishment; Request for Nominations

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior (DOI) is establishing and seeking nominations for the ''Made in America'' Outdoor Recreation Advisory Committee (Committee). The Committee will provide advice to the Secretary of the Interior on the public-private partnerships across all public lands, with the goal of expanding access to and improving infrastructure on public lands and waterways.

DATES: Comments regarding the establishment of this Committee must be submitted no later than November 24, 2017. Nominations for the Committee must be submitted by *December 8, 2017.*

ADDRESSES: You may submit comments and/or nominations by any of the following methods:

- Mail or hand-carry nominations to Terry Austin, Associate Director for Business Services, National Park Service, Office of Business Services, 1849 C Street NW., MS 2717, Washington, DC 20240; or
- Email nominations to: *teresa_austin@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Terry Austin, by U.S. mail at the National Park Service, Office of Business Services, 1849 C Street NW., MS 2717, Washington, DC 20240; by telephone at (202) 513–7241; or by email at *teresa_austin@nps.gov.*

SUPPLEMENTARY INFORMATION: The Committee is established under the authority of the Secretary of the Interior (Secretary) and regulated by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2). The Committee's duties are strictly advisory and will include, but are not limited to, providing recommendations on policies and programs that: Expand and improve visitor infrastructure developed through public-private partnerships; implement sustainable operations embracing fair, efficient, and convenient fee collection and strategic use of the collected fees; improve interpretation using technology; and create better tools and/or opportunities for Americans to discover their lands and waters. The Committee will also provide recommendations for implementation of Secretary's Order 3347—Conservation Stewardship and Outdoor Recreation.

The Committee will meet approximately two times per year. The Secretary of the Interior will appoint members and their alternates to the Committee to serve up to a 3-year term. The Committee will not exceed 18 discretionary and 2 ex officio members.

Ex officio members will include:

- Secretary of the Interior and/or a designated Department of the Interior representative.

The Secretary will select remaining members from among, but not limited to, the entities listed below. These members must be senior-level representatives of their organizations:

- Camping, recreational, and/or all-terrain vehicle (ATV) industries;
- Tourism and/or guide industries related to outdoor recreation;
- Hospitality industries;
- Outdoor outfitter industries;
- Saltwater and freshwater recreational fishing organizations;
- Recreational boating organizations;
- Industrial Manufacturing industries; and
- Transportation industries.

Nominations should include a resume providing an adequate description of the nominee's qualifications, including information that would enable DOI to make an informed decision regarding meeting the membership requirements of the Committee and to permit DOI to contact a potential member.

Members of the Committee serve without compensation. However, while away from their homes or regular places of business, Committee and subcommittee members engaged in Committee or subcommittee business that the DFO approves may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

Public Disclosure 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 review, we cannot guarantee that we will be able to do so.

Certification Statement: I hereby certify that the ''Made in America'' Outdoor Recreation Advisory Committee is necessary, is in the public interest, established under the authority of the Secretary of the Interior, and in furtherance of the National Park Service Organic Act (16 U.S.C. 1), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd), and other Acts applicable to specific bureaus.

Authority: 5 U.S.C. Appendix 2.

Dated: November 2, 2017.

Ryan K. Zinke,

Secretary, Department of the Interior.

[FR Doc. 2017–24325 Filed 11–7–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–345]

Recent Trends in U.S. Services Trade, 2018 Annual Report

AGENCY: United States International Trade Commission.

ACTION: Schedule for 2018 report and opportunity to submit information.

SUMMARY: The Commission has prepared and published annual reports in this series under investigation No. 332–345, Recent Trends in U.S. Services Trade, since 1996. The 2018 report,

which the Commission plans to publish in May 2018, will provide aggregate data on cross-border trade in services for the period ending in 2017, and transactions by affiliates based outside the country of their parent firm for the period ending in 2015. The report's analysis will focus on electronic services (including audiovisual, computer, and telecommunication services).The Commission is inviting interested members of the public to furnish information and views in connection with the 2018 report.

DATES: December 20, 2017: Deadline for filing written submissions. May 30, 2018: Anticipated date for publishing the report.

ADDRESSES: All Commission offices are located in the United States International Trade Commission Building, 500 E St. SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E St. SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket information system (EDIS) at *https://edis.usitc.gov/.*

FOR FURTHER INFORMATION CONTACT: Project Leaders Jeremy Streatfeild (202–205–3349, *jeremy.streatfeild@usitc.gov*) and Isaac Wohl (202–205–3356, *isaac.wohl@usitc.gov*), or Services Division Chief Martha Lawless (202–205–3497, *martha.lawless@usitc.gov*) for information specific to this investigation. For information on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). 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.

Background: The 2018 annual services trade report will provide aggregate data on cross-border trade and affiliate transactions in services, and more specific data and information on trade in electronic services (audiovisual, computer, and telecommunication services). Under Commission investigation No. 332–345, the Commission publishes two annual reports, one on services trade (Recent Trends in U.S. Services Trade), and a second on merchandise trade (Shifts in U.S. Merchandise Trade). The Commission's 2017 annual report in the series of reports on Recent Trends in U.S. Services Trade is now available online at *http://www.usitc.gov.*

The initial notice of institution of this investigation was published in the **Federal Register** on September 8, 1993 (58 FR 47287) and provided for what is now the report on merchandise trade. The Commission expanded the scope of the investigation to cover services trade in a separate report, which it announced in a notice published in the **Federal Register** on December 28, 1994 (59 FR 66974). The separate report on services trade has been published annually since 1996, except in 2005. As in past years, the report will summarize trade in services in the aggregate and provide analyses of trends and developments in selected services industries during the latest period for which data are published by the U.S. Department of Commerce, Bureau of Economic Analysis.

Written Submissions: Interested parties are invited to file written submissions and other information concerning the matters to be addressed by the Commission in its 2018 report. For the 2018 report, the Commission is particularly interested in receiving information relating to trade in electronic services (audiovisual, computer, and telecommunication services). Submissions should be addressed to the Secretary. To be assured of consideration by the Commission, written submissions related to the Commission's report should be submitted at the earliest practical date and should be received not later than 5:15 p.m., December 20, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures, *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf* require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the paragraph below for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Confidential business information: Any submissions that contain confidential business information (CBI) must also conform with the requirements in section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are confidential or non-confidential, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission intends to prepare only a public report in this investigation. The report that the Commission makes available to the public will not contain confidential business information. However, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel solely for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of the positions of interested persons in this report. If you wish to have a summary of your position included in an appendix of the report, please include a summary with your written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. In the report the Commission will identify the name of the organization furnishing the summary, and will include a link to the Commission's

Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.
Issued: November 2, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–24261 Filed 11–7–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1081]

Certain LED Lighting Devices, LED Power Supplies, and Components Thereof 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 21, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Philips Lighting North America Corp. of Somerset, New Jersey and Philips Lighting Holding B.V. of the Netherlands. Supplements to the complaint were filed on October 6 and 30, 2017. The complaint 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 LED lighting devices, LED power supplies, and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,586,890 (''the '890 patent''); U.S. Patent No. 7,038,399 (''the '399 patent''); U.S. Patent No. 7,256,554 (''the '554 patent''); U.S. Patent No. 7,262,559 (''the '559 patent''); and U.S. Patent No. 8,070,328 (''the '328 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, 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: The Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

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 November 2, 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 LED lighting devices, LED power supplies, and components thereof by reason of infringement of one or more of claims 14, 22, and 30 of the '890 patent; claims 1, 2, 4, 5, 7, 8, 17–19, 34, 35, 47, 48, and 58–60 of the '399 patent; claims 1, 2, 5–7, 12, 46, 47, and 49–51 of the '554 patent; claims 6 and 12 of the '559 patent; and claims 1, 2, 4, 7, and 9 of the '328 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) 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:

Philips Lighting North America Corp., 200 Franklin Square Drive, Somerset, NJ 08873.

Philips Lighting Holding B.V., High Tech Campus 45, Eindhoven, 5656 AE, Netherlands.

(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:

Feit Electric Company, Inc., 4901 Gregg Road, Pico Rivera, CA 90660.

Edgewell Personal Care Brands, LLC, 6 Research Drive, Shelton, CT 06484.

Feit Electric Company, Inc. (China), Zone B, 2/F, Xinyu Building, No. 17 Huoju East Road, Huli District Xiamen, China.

Lowe's Companies, Inc., 1000 Lowe's Boulevard, Mooresville, NC 28117.

L G Sourcing, Inc., 1605 Curtis Bridge Road, North Wilkesboro, NC 28659.

MSi Lighting, Inc., 622 Banyan Trail Suite 200, Boca Raton, FL 33431.

Satco Products, Inc., 110 Heartland Boulevard, Brentwood, NY 11717.

Topaz Lighting Corp., 925 Waverly Avenue, Holtsville, NY 11742.

Wangs Alliance Corporation d/b/a WAC, Lighting Co., 44 Harbor Park Drive, Port Washington, NY 11050.

WAC Lighting (Shanghai) Co. Ltd., No. 14, Lane 299, Bi Sheng Road, Zhang Jiang, Pu Dong District, Shanghai, China 201204.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in the investigation.

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: November 3, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–24323 Filed 11–7–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–471F]

Established Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2018

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final order.

SUMMARY: This final order establishes the initial 2018 aggregate production quotas for controlled substances in schedules I and II of the Controlled Substances Act and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

APPLICABLE DATE: Applicable November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Legal Authority

Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substance listed in schedules I and II and for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The Attorney General has delegated this function to the Administrator of the DEA pursuant to 28 CFR 0.100.

Background

The 2018 aggregate production quotas and assessment of annual needs represent those quantities of schedule I and II controlled substances and the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine that may be manufactured in the United States in 2018 to provide for the estimated medical, scientific, research, industrial needs of the United States, lawful export requirements, and the establishment and maintenance of reserve stocks. These quotas include imports of ephedrine, pseudoephedrine, and phenylpropanolamine, but do not include imports of controlled substances for use in industrial processes.

On August 7, 2017, a notice titled ''Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2018'' was published in the **Federal Register**. 82 FR 36830. This notice proposed the 2018 aggregate production quotas for each basic class of controlled substance listed in schedules I and II and the 2018 assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. All interested persons were invited to comment on or object to the proposed aggregate production quotas and the proposed assessment of annual needs on or before September 6, 2017.

Comments Received

Within the public comment period, the DEA received seventeen comments from three DEA-registered manufacturers regarding sixteen different schedule I and II controlled substances and one comment from a DEA-registered manufacturer regarding the proposed assessment of annual needs for the list I chemical phenylpropanolamine (for conversion). Commenters stated the proposed aggregate production quotas for 4-anilino-n-phenethyl-4-piperadine (ANPP), amphetamine (for conversion), codeine (for sale), diphenoxylate, fentanyl, gamma hydroxybutyric acid, hydrocodone (for sale), lisdexamfetamine, methadone, methadone-intermediate, methylphenidate, morphine (for conversion), morphine (for sale), oxycodone (for sale), oxymorphone (for sale), sufentanil, as well as the proposed assessment of annual needs for phenylpropanolamine (for conversion), were insufficient to provide for the estimated medical, scientific, research, and industrial needs of the United States, export requirements, and the establishment and maintenance of reserve stocks. These comments were considered in setting the final 2018 Aggregate Production Quotas as discussed below.

In addition to these seventeen comments, the DEA received one comment from a DEA-registered manufacturer seeking clarification on whether DEA considers manufacturing at outsourcing facilities when determining the Aggregate Production Quotas. The DEA notes that it is the responsibility of all DEA-registered dosage form manufacturers to submit quota applications by April 1, in order for their individual business practices to be considered when the DEA proposes the Aggregate Production Quota for the following year. 21 CFR 1303.12(b). These quota applications and comments with discrete data regarding the quantities of the basic classes of schedule I or II controlled substances received during the comment period for the proposed Aggregate Production Quotas are taken into consideration before establishing the values presented in this Final Order. This DEA-registered manufacturer provided no quantitative data supporting the position that the proposed quota for 2018 will adversely impact outsourcing facilities for DEA to consider. The DEA also received one hundred five comments that expressed concern that DEA's proposed reduction of opioids by twenty percent would adversely impact the availability of pain relieving prescription drugs for people with chronic pain. These comments were general in nature, and raised issues of specific medical illnesses and medical treatment, and therefore are outside of the scope of this Final Order for 2018. As a result, these one hundred and six comments did not provide new discrete data for consideration, and do not impact the original analysis involved in establishing the 2018 aggregate production quotas.

Determination of 2018 Aggregate Production Quotas and Assessment of Annual Needs

In determining the 2018 aggregate production quotas and assessment of annual needs, the DEA has taken into consideration the above comments along with the factors set forth in 21 CFR 1303.11 and 21 CFR 1315.11, in accordance with 21 U.S.C. 826(a), and other relevant factors, including the 2017 manufacturing quotas, current 2017 sales and inventories, anticipated 2018 export requirements, industrial use, additional applications for 2018 quotas, as well as information on research and product development requirements. Based on all of the above, the Administrator is adjusting the 2018 aggregate production quotas for 2-(4-bromo-2,5-dimethoxyphenyl)-n-(2-methoxybenzyl) ethanamine, 3,4,5-trimethoxy amphetamine, 4-bromo-2,5-dimethoxy-amphetamine, acryl fentanyl, alfentanil, amobarbital, methylphenidate, and nabilone, are warranted. Adjustment to the proposed assessment of annual needs for

pseudoephedrine (for sale) was also determined to be warranted. This final order reflects those adjustments.

Regarding 4-anilino-n-phenethyl-4-piperadine (ANPP), amphetamine (for conversion), codeine (for sale), diphenoxylate, fentanyl, gamma hydroxybutyric acid, hydrocodone (for sale), lisdexamfetamine, methadone, methadone-intermediate, morphine (for conversion), morphine (for sale), oxycodone (for sale), oxymorphone (for sale), sufentanil, and phenylpropanolamine (for conversion), the DEA has determined the proposed aggregate production quotas and assessment of annual needs are sufficient to provide for the 2018 estimated medical, scientific, research, industrial needs of the United States, export requirements, and the establishment and maintenance of reserve stocks. This final order establishes these aggregate production quotas and assessment of annual needs at the same amounts as proposed.

In accordance with 21 U.S.C. 826, 21 CFR 1303.11, and 21 CFR 1315.11, the Administrator hereby establishes the 2018 aggregate production quotas for the following schedule I and II controlled substances and the 2018 assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, expressed in grams of anhydrous acid or base, as follows:

Basic class	2018 Established quotas (g)
Temporarily Scheduled Substances	
Acryl fentanyl	25
Schedule I	
1-(1-Phenylcyclohexyl)pyrrolidine	10
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201)	30
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)	30
1-[1-(2-Thienyl)cyclohexyl]piperidine	15
1-Benzylpiperazine	25
1-Methyl-4-phenyl-4-propionoxypiperidine	2
2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)	30
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)	30
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)	30
2-(2,5-Dimethoxy-4-n-propylphenyl)ethanamine (2C-P)	30
2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)	30
2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)	30
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)	30
2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82)	25
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)	30
2-(4-Iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5)	30
2,5-Dimethoxy-4-ethylamphetamine (DOET)	25
2,5-Dimethoxy-4-n-propylthiophenethylamine	25
2,5-Dimethoxyamphetamine	25
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)	30
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	30
3,4,5-Trimethoxyamphetamine	30
3,4-Methylenedioxyamphetamine (MDA)	55
3,4-Methylenedioxymethamphetamine (MDMA)	50
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	40
3,4-Methylenedioxy-N-methylcathinone (methylone)	40
3,4-Methylenedioxypyrovalerone (MDPV)	35
3-FMC; 3-Fluoro-N-methylcathinone	25
3-Methylfentanyl	30
3-Methylthiofentanyl	30
4-Bromo-2,5-dimethoxyamphetamine (DOB)	30
4-Bromo-2,5-dimethoxyphenethylamine (2-CB)	25
4-Fluoroisobutyryl fentanyl	30
4-FMC; Flephedrone	25
4-MEC; 4-Methyl-N-ethylcathinone	25
4-Methoxyamphetamine	150
4-Methyl-2,5-dimethoxyamphetamine (DOM)	25
4-Methylaminorex	25
4-Methyl-N-methylcathinone (mephedrone)	45
4-Methyl-α-pyrrolidinopropiophenone (4-MePPP)	25
5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol	50
5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog)	40
5F-ADB; 5F-MDMB-PINACA (methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30
5F-AMB (methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate)	30
5F-APINACA; 5F-AKB48 (*N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide)	30
5-Fluoro-PB-22; 5F-PB-22	20
5-Fluoro-UR144, XLR11 ([1-(5-fluoro-pentyl)-1*H*indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	25
5-Methoxy-3,4-methylenedioxyamphetamine	25
5-Methoxy-N,N-diisopropyltryptamine	25
5-Methoxy-N,N-dimethyltryptamine	25

Basic class	2018 Established quotas (g)
AB-CHMINACA	30
AB-FUBINACA	50
AB-PINACA	30
ADB-FUBINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide)	30
Acetyl Fentanyl	100
Acetyl-*alpha*-methylfentanyl	30
Acetyldihydrocodeine	30
Acetylmethadol	2
Acryl Fentanyl	25
ADB-PINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide)	50
AH-7921	30
Allylprodine	2
Alphacetylmethadol	2
alpha-Ethyltryptamine	25
Alphameprodine	2
Alphamethadol	2
alpha-Methylfentanyl	30
alpha-Methylthiofentanyl	30
alpha-Methyltryptamine (AMT)	25
alpha-Pyrrolidinobutiophenone (α-PBP)	25
alpha-Pyrrolidinopentiophenone (α-PVP)	25
Aminorex	25
APINCA, AKB48 (*N*-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide)	25
Benzylmorphine	30
Betacetylmethadol	2
beta-Hydroxy-3-methylfentanyl	30
beta-Hydroxyfentanyl	30
beta-Hydroxythiofentanyl	30
Betameprodine	2
Betamethadol	4
Betaprodine	2
Bufotenine	3
Butylone	25
Butyryl fentanyl	30
Cathinone	24
Codeine methylbromide	30
Codeine-N-oxide	192
Desomorphine	25
Diethyltryptamine	25
Difenoxin	8,225
Dihydromorphine	1,000,160
Dimethyltryptamine	35
Dipipanone	5
Etorphine	30
Fenethylline	30
Furanyl fentanyl	30
gamma-Hydroxybutyric acid	37,130,000
Heroin	45
Hydromorphinol	40
Hydroxypethidine	2
Ibogaine	30
JWH-018 and AM678 (1-Pentyl-3-(1-naphthoyl)indole)	35
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	45
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	45
JWH-081 (1-Pentyl-3-[1-(4-methoxynaphthoyl)]indole)	30
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)	30
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	35
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole)	30
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole)	30
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole)	30
Lysergic acid diethylamide (LSD)	40
MAB-CHMINACA; ADB-CHMINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide)	30
MDMB-CHMICA; MMB-CHMINACA(methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate)	30
MDMB-FUBINACA (methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30
Marihuana	443,680
Mecloqualone	30
Mescaline	25
Methaqualone	60
Methcathinone	25
Methyldesorphine	5

Basic class	2018 Established quotas (g)
Methyldihydromorphine	2
Morphine methylbromide	5
Morphine methylsulfonate	5
Morphine-N-oxide	150
N,N-Dimethylamphetamine	25
Naphyrone	25
N-Ethyl-1-phenylcyclohexylamine	5
N-Ethylamphetamine	24
N-Hydroxy-3,4-methylenedioxyamphetamine	24
Noracymethadol	2
Norlevorphanol	55
Normethadone	2
Normorphine	40
Para-fluorofentanyl	25
Parahexyl	5
PB-22; QUPIC	20
Pentedrone	25
Pentylone	25
Phenomorphan	2
Pholcodine	5
Psilocybin	30
Psilocyn	50
SR-18 and RCS-8 (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)	45
SR-19 and RCS-4 (1-Pentyl-3-[(4-methoxy)-benzoyl]indole)	30
Tetrahydrocannabinols	384,460
Thiofentanyl	25
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	30
Tilidine	25
Trimeperidine	2
UR-144 (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	25
U-47700	30
Schedule II	
1-Phenylcyclohexylamine	4
1-Piperidinocyclohexanecarbonitrile	4
4-Anilino-N-phenethyl-4-piperidine (ANPP)	1,342,320
Alfentanil	6,200
Alphaprodine	2
Amobarbital	20,100
Amphetamine (for conversion)	11,280,000
Amphetamine (for sale)	39,856,000
Carfentanil	20
Cocaine	92,120
Codeine (for conversion)	15,040,000
Codeine (for sale)	40,015,800
Dextropropoxyphene	35
Dihydrocodeine	264,140
Dihydroetorphine	2
Diphenoxylate (for conversion)	14,100
Diphenoxylate (for sale)	770,800
Ecgonine	88,134
Ethylmorphine	30
Etorphine hydrochloride	32
Fentanyl	1,342,320
Glutethimide	2
Hydrocodone (for conversion)	114,680
Hydrocodone (for sale)	50,348,280
Hydromorphone	4,547,720
Isomethadone	30
Levo-alphacetylmethadol (LAAM)	5
Levomethorphan	30
Levorphanol	12,126
Lisdexamfetamine	17,869,000
Meperidine	2,717,540
Meperidine Intermediate-A	5
Meperidine Intermediate-B	30
Meperidine Intermediate-C	5
Metazocine	15
Methadone (for sale)	22,278,000
Methadone Intermediate	24,064,000

Basic class	2018 Established quotas (g)
Methamphetamine	1,446,754
[846,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 564,000 grams for methamphetamine mostly for conversion to a schedule III product; and 36,754 grams for methamphetamine (for sale)]	
Methylphenidate	64,600,000
Morphine (for conversion)	4,089,000
Morphine (for sale)	33,958,440
Nabilone	31,000
Noroxymorphone (for conversion)	14,044,540
Noroxymorphone (for sale)	376,000
Opium (powder)	84,600
Opium (tincture)	564,000
Oripavine	24,534,000
Oxycodone (for conversion)	2,453,400
Oxycodone (for sale)	95,692,000
Oxymorphone (for conversion)	20,962,000
Oxymorphone (for sale)	3,395,280
Pentobarbital	25,850,000
Phenazocine	5
Phencyclidine	35
Phenmetrazine	25
Phenylacetone	40
Racemethorphan	5
Racemorphan	5
Remifentanil	2,820
Secobarbital	161,682
Sufentanil	1,880
Tapentadol	18,388,280
Thebaine	94,000,000
List I Chemicals	
Ephedrine (for conversion)	47,000
Ephedrine (for sale)	4,136,000
Phenylpropanolamine (for conversion)	14,100,000
Phenylpropanolamine (for sale)	7,990,000
Pseudoephedrine (for conversion)	40
Pseudoephedrine (for sale)	180,000,000

The Administrator also establishes aggregate production quotas for all other schedule I and II controlled substances included in 21 CFR 1308.11 and 1308.12 at zero. In accordance with 21 CFR 1303.13 and 21 CFR 1315.13, upon consideration of the relevant factors, the Administrator may adjust the 2018 aggregate production quotas and assessment of annual needs as needed.

Dated: November 1, 2017.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2017–24306 Filed 11–7–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 10–17]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

THURSDAY, NOVEMBER 16, 2017: 10:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

STATUS: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2017–24361 Filed 11–6–17; 8:45 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On October 31, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Colorado in the lawsuit entitled *United States of America and the State of Colorado* v. *PDC Energy, Inc.,* Civil Action No. 1:17–cv–01552–MSK–MJW.

The lawsuit seeks injunctive relief and civil penalties for violations of the Clean Air Act, the Colorado Air

Pollution Prevention and Control Act (''Colorado Act''), Colorado's federally approved State Implementation Plan (''Colorado SIP''), and Colorado Air Quality Control Commission Regulation Number 7 (''Regulation No. 7'') at tank batteries (referred to in the consent decree as ''Tank Systems'') owned and operated by PDC Energy, Inc. (''PDC'') in a portion of the Denver-Julesburg Basin in Colorado (known as the ''8-hour Ozone Control Area'') designated as non-attainment with the National Ambient Air Quality Standards for ground-level ozone. The violations relate to alleged failures to adequately design, operate, and maintain vapor control systems at the Tank Systems, resulting in emissions of volatile organic compounds (''VOC'') and other pollutants to the atmosphere.

The proposed consent decree covers PDC's Tank Systems in the 8-hour Ozone Control Area equipped with vapor control systems pursuant to Regulation No. 7 to achieve required system-wide emission reductions (more than 600 Tank Systems). The proposed decree requires PDC to perform injunctive relief, including conducting engineering evaluations of the vapor control systems at each of the Tank Systems and completing any necessary corrective actions to ensure that the vapor control systems are adequately designed and sized. PDC must also complete two environmental mitigation projects at a cost of $1.7 million and pay a $2.5 million civil penalty, $1 million of which is anticipated to be used to perform one or more State-Only Supplemental Environmental Projects. Entering into and fully complying with the proposed consent decree will release PDC from past civil liability at the Tank Systems and associated vapor control systems for violations of the Colorado SIP and Regulation No. 7 relating to VOC emissions from condensate storage tanks.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *PDC Energy, Inc.,* D.J. Ref. No. 90–5–2–1–11467. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 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 $25.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–24250 Filed 11–7–17; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL SCIENCE FOUNDATION

Notice of Availability and Notice of Public Meeting for the Draft Environmental Impact Statement (DEIS) for the Green Bank Observatory, Green Bank, West Virginia

AGENCY: National Science Foundation.

ACTION: Notice of availability and notice of public meeting.

SUMMARY: The National Science Foundation (NSF) has made available for public review and comment the Draft Environmental Impact Statement (DEIS) for Green Bank Observatory. This DEIS has been prepared for the National Science Foundation (NSF) to evaluate the potential environmental impacts resulting from proposed operational changes due to funding constraints for the Green Bank Observatory in Green Bank, West Virginia. The DEIS was prepared in compliance with the National Environmental Policy Act of 1969. Consultation under Section 106 of the National Historic Preservation Act (NHPA) is being conducted concurrent with the NEPA process.

DATES: NSF will accept comments on the DEIS for 60 days following publication of this Notice of Availability; an additional 15 days are being provided beyond the standard 45-day review period to allow for the holidays). Comments may be submitted verbally during the public meeting scheduled for November 30, 2017 (see details in **SUPPLEMENTARY INFORMATION**) or in writing until January 8th, 2018. Substantive comments will be addressed in a Final Environmental Impact Statement (FEIS).

ADDRESSES: You may submit written comments by either of the following methods:

- *Email to: envcomp-AST-greenbank@nsf.gov,* with subject line ''Green Bank Observatory''.
- *Mail to:* Elizabeth Pentecost, RE: Green Bank Observatory, National Science Foundation, 2415 Eisenhower Avenue, Suite W9152, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: For further information regarding the EIS process or Section 106 consultation, contact: Elizabeth Pentecost, National Science Foundation, Division of Astronomical Sciences, 2415 Eisenhower Avenue, Suite W9152, Alexandria, VA 22314; telephone: (703) 292–4907; email: *epenteco@nsf.gov.*

DEIS Information: The DEIS, as well as information about the public meeting, is posted at *www.nsf.gov/AST.* A copy of the DEIS will be available for review at the following libraries: Green Bank Public Library, 5683 Potomac Highlands Trail, Green Bank, WV 24944, Durbin Community Library, 4361 Staunton Parkersburg Turnpike, Durbin, WV 26264.

SUPPLEMENTARY INFORMATION: Green Bank Observatory (GBO) is located in Pocahontas County, West Virginia, adjacent to the Monongahela National Forest. NSF owns the GBO land, which consists of numerous parcels acquired by the U.S. Army Corps of Engineers in the 1950s, when GBO was formed as the first (and then, only) site of the National Radio Astronomy Observatory (NRAO). The GBO facilities include the Robert C. Byrd Green Bank Telescope, the largest fully steerable radio telescope in the world; the 43-meter Telescope; the Green Bank Solar Radio Burst Spectrometer; the 20-meter Geodetic Telescope; the 40-foot Telescope; the Interferometer Range; and previously operational telescopes.

The NSF Directorate for Mathematical and Physical Sciences, Division of Astronomical Sciences (AST), through a series of academic community-based reviews, has identified the need to divest several facilities from its portfolio. This would allow NSF to retain the balance of capabilities needed to deliver the best performance on emerging and key science technology of the present decade and beyond. In 2012,

AST's portfolio review committee recommended divestment of the Green Bank Telescope (GBT) from the AST portfolio, stating the following: ''The GBT is the world's most sensitive single-dish radio telescope at wavelengths shorter than 10 cm; however, its capabilities are not as critical to *New World New Horizons* [astronomy and astrophysics decadal survey] science goals as the higher-ranked facilities.'' In response to these recommendations, in 2016, NSF completed a feasibility study to inform and define options for the Observatory's future disposition that would involve significantly decreasing or eliminating NSF funding of Green Bank Observatory. NSF issued a Notice of Intent to prepare an EIS on October 19, 2016, held scoping meetings on November 9, 2016, and held a 30-day public comment period that closed on November 25, 2016.

Alternatives to be evaluated in the EIS, which may be refined through public input, include the following:

- Collaboration with interested parties for continued science- and education-focused operations with reduced NSF funding (Agency-preferred Alternative).
- Collaboration with interested parties for operation as a technology and education park.
- Mothballing of facilities (suspension of operations in a manner such that operations could resume efficiently at some future date).
- Demolition and site restoration.
- No-Action Alternative: Continued NSF investment for science-focused operations.

No final decisions will be made regarding the proposed changes to operations at Green Bank Observatory prior to issuance of an FEIS, and, subsequently, a Record of Decision for the Proposed Action.

Public Meeting: A public meeting to address the DEIS and to solicit public input under Section 106 of the NHPA will take place in Green Bank with notification of the time and location published in the local newspapers, as follows:

- *Public meeting:* November 30, 2017, at 5:00 p.m. to 8:30 p.m.

Green Bank Science Center

155 Observatory Road

Green Bank, WV 24915

Telephone: (304) 456–2011

The meeting will be transcribed by a court reporter.

Dated: November 3, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–24322 Filed 11–7–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0201]

Nuclear Power Plant Instrumentation for Earthquakes

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide, issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 3 of Regulatory Guide (RG) 1.12, ''Nuclear Power Plant Instrumentation for Earthquakes.'' This revision to the guide addresses new reactor plant configurations and the state of practice of seismic instrumentation since Revision 2 of RG 1.12 in 1997. The revision describes the seismic instrumentation criteria, including instrumentation type, locations, characteristics, and maintenance, that the NRC staff considers acceptable for nuclear power plants.

DATES: Revision 3 to RG 1.12 is available on November 8, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0201 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0201. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned. The RG 1.12 is available in ADAMS under Accession No. ML17094A831.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Sarah Tabatabai, Office of Nuclear Regulatory Research, telephone: 301–415–2982, email: *Sarah.Tabatabai@nrc.gov;* Vladimir Graizer, Office of New Reactors, telephone 301–415–0675, email: *Vladimir.Graizer@nrc.gov,* and Edward O'Donnell, Office of Nuclear Regulatory Research, telephone: 301–415–3317, email: *Edward.ODonnell@nrc.gov.* All are staff members of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 3 of RG 1.12 was issued with a temporary identification of draft Regulatory Guide, DG–1332. The NRC revised the guide to incorporate advances in seismic instrumentation and operating experience since the issuance of Revision 2 of RG 1.12 in 1997. The revision describes the seismic instrumentation criteria, including instrumentation type, locations, characteristics, and maintenance, that the NRC staff considers acceptable for nuclear power plants.

II. Additional Information

The NRC published a notice of the availability of DG–1332 in the **Federal Register** on September 21, 2016 (81 FR 64954), for a 60-day public comment period. The public comment period closed on November 21, 2016. Public comments on DG–1332 and the staff responses to the public comments are available under ADAMS under Accession No. ML17095A314.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

This RG describes the seismic instrumentation criteria, including instrumentation type, locations, characteristics, and maintenance, that the staff of the NRC considers acceptable for nuclear power plants. Issuance of this RG does not constitute backfitting as defined in § 50.109 of title 10 of the Code of the *Federal Regulations* (10 CFR), (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this RG, the NRC has no current intention to impose this guide on holders of current operating licenses or combined licenses.

This RG may be applied to applications for operating licenses, combined licenses, early site permits, and certified design rules docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in the Backfit Rule or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

Dated at Rockville, Maryland, this 31th day of October, 2017.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–24333 Filed 11–7–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–1257; NRC–2017–0148]

AREVA, Inc.; Consideration of Approval of Transfer of License; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for indirect transfer of license; opportunity to comment, request a hearing, and petition for leave to intervene; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on June 29, 2017, regarding an application for indirect transfer of license filed by AREVA, Inc., on April 14, 2017. This action is necessary to add licenses that were omitted from the original application. The original application requested NRC approval of the indirect transfer of Material License SNM–1227, Import License IW009, and Export Licenses XSNM3471, XSNM3551, XSNM3697, XSNM3747, XSOU8833, and XCOM1202, for the Richland, Washington Fuel Manufacturing Facility from AREVA SA, the current parent company of the license holder to Electricite de France (EDF). The amended application adds Export Licenses XCOM1304, XSNM3780, XSNM3781, XSNM3782, and XW015 to the requested action.

DATES: Comments and/or a request for a hearing must be filed by December 8, 2017.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0148. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Hearingdocket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kevin Ramsey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7506, email: *Kevin.Ramsey@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0148 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0148.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0148 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment

submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering the issuance of an order under Section 184 of the Atomic Energy Act, as amended, and § 70.36 of title 10 of the *Code of Federal Regulations* (10 CFR), approving the indirect transfer of control of the AREVA Richland Fuel Fabrication Facility, Material License SNM–1227, Import License IW009, and Export Licenses XSNM3471, XSNM3551, XSNM3697, XSNM3747, XSOU8833, XCOM1202, XCOM1304, XSNM3780, XSNM3781, XSNM3782, and XW015 from AREVA SA, the current parent company of the license holder to Electricite de France (EDF).

According to the application for approval filed by AREVA, Inc., the transaction will result in a transfer of controlling interest in AREVA SA's nuclear power business from its current parent company (AREVA SA) to EDF. AREVA, Inc., which is a North American subsidiary of AREVA SA, will continue to operate the facility and hold the licenses.

No physical changes to the Richland Fuel Fabrication Facility or operational changes are being proposed in the application.

The original application was submitted by letter dated April 14, 2017, titled ''AREVA Internal Reorganization and Indirect Transfer to EDF: Request for NRC Consent to License Transfers'' (ADAMS Accession No. ML17108A259). The application was supplemented by the following documents:

- Letter dated July 14, 2017, titled ''AREVA Internal Reorganization and Indirect Transfer to EDF: Request for NRC Consent to License Transfers'' (ADAMS Accession No. ML17200C949).
- Letter dated August 31, 2017, titled ''Response to a Request for Additional Information Regarding Application for U.S. NRC Consent to License Transfers'' (ADAMS Accession No. ML17265A374).
- Letter dated October 4, 2017, titled ''Update to Request for NRC Consent to License Transfers'' (ADAMS Accession No. ML17283A110).

Section 184 of the Atomic Energy Act provides ''[n]o license granted hereunder and no right to utilize or produce special nuclear material granted hereby shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing.'' For the part 70 license that AREVA Inc. possesses, the Commission will approve an application for the indirect transfer of a license if the Commission determines that the proposed transfer of controlling interest will not affect the qualifications of the licensee to hold the license and that the licensee has provided the financial assurance for decommissioning required by 10 CFR 70.25.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in §§ 2.1305 and 110.81. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 30 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR parts 2 and 110. Interested persons should consult a current copy of 10 CFR 2.309 and 110.82. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

With respect to Material License SNM–1227, 10 CFR 2.309(d) requires that the petition specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest. Further, in accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

With respect to Export Licenses XSNM3471, XSNM3551, XSNM3697, XSNM3747, XSOU8833, XCOM1202, XCOM1304, XSNM3780, XSNM3781, XSNM3782, and XW015, 10 CFR 110.82 requires petitioners to explain why a hearing or an intervention would be in the public interest and how a hearing or intervention would assist the Commission in making the determinations required by § 110.45.

Petitions must be filed no later than 20 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by December 8, 2017. The petition must be filed in accordance

with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR Paragraph 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR Paragraph 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as Social Security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their

submission. The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application and supplements listed in Section II of this notice.

Dated at Rockville, Maryland, this 30th day of October, 2017.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–24239 Filed 11–7–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Verification of Who Is Getting Payments, RI 38–107 and RI 38–147

AGENCY: Office of Personnel Management.

ACTION: 60-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an extension without change of a currently approved information collection requests (ICR), Verification of Who is Getting Payments, RI 38–107 and RI 38–147.

DATES: Comments are encouraged and will be accepted until January 8, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347–E, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0197). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

Form RI 38–107 is designed for use by the Retirement Inspection Branch when OPM, for any reason, must verify that the entitled person is indeed receiving the monies payable. RI 38–147 collects the same information and is used by other groups within Retirement Operations. Failure to collect this information would cause OPM to pay monies absent the assurance of a correct payee.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Verification of Who is Getting Payments.

OMB Number: 3206–0197.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 25,400.

Estimated Time Per Respondent: 10 minutes.

Total Burden Hours: 4,234 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–24303 Filed 11–7–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Financial Resources Questionnaire (RI 34–1, RI 34–17, and RI 34–18) and Notice of Amount Due Because of Annuity Overpayment (RI 34–3, RI 34–19, and RI 34–20)

AGENCY: Office of Personnel Management.

ACTION: 60-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on revised information collection requests (ICR), Financial Resources Questionnaire (RI 34–1, RI 34–17, and RI 34–18) and Notice of Amount Due Because Of Annuity Overpayment (RI 34–3, RI 34–19, and RI 34–20).

DATES: Comments are encouraged and will be accepted until January 8, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347–E, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street, NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0167). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

Form Financial Resources Questionnaire (RI 34–1), Financial Resources Questionnaire—Federal Employees' Group Life Insurance Premiums Underpaid (RI 34–17), and Financial Resources Questionnaire—Federal Employees Health Benefits Premiums Underpaid (RI 34–18), collects detailed financial information for use by OPM to determine whether to agree to a waiver, compromise, or adjustment of the collection of erroneous payments from the Civil Service Retirement and Disability Fund. Notice of Amount Due Because Of Annuity Overpayment (RI 34–3), Notice of Amount Due Because of FEGLI Premium Underpayment (RI 34–19), and Notice of Amount Due Because of FEHB Premium Underpayment (RI 34–20), informs the annuitant about the overpayment and collects information from the annuitant about how repayment will be made.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Financial Resources Questionnaire/Notice of Debt Due Because of Annuity Overpayment OMB Number: 3206–0167.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 2,081.

Estimated Time Per Respondent: 60 minutes.

Total Burden Hours: 2,081 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–24301 Filed 11–7–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Request for Change to Unreduced Annuity, RI 20–120

AGENCY: Office of Personnel Management.

ACTION: 60-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an extension without change of a currently approved information collection request (ICR), Request for Change to Unreduced Annuity, RI 20–120.

DATES: Comments are encouraged and will be accepted January 8, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347–E, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0245). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

Form RI 20–120 is designed to collect information the Office of Personnel Management needs to comply with the wishes of the retired Federal employee whose marriage has ended. This form provides an organized way for the retiree to give us everything at one time.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Request for Change to Unreduced Annuity.

OMB Number: 3206–0245.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 5,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 2,500 minutes.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–24302 Filed 11–7–17; 8:45 am]

BILLING CODE 6325–38–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 3, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 372 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–21, CP2018–43.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–24343 Filed 11–7–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 3, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 25 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–20, CP2018–42.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–24342 Filed 11–7–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81997; File No. SR–NASDAQ–2017–116]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to an Incentive to the Market Access and Routing Subsidy Program

November 2, 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 October 31, 2017, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, 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 the Exchange's pricing at Chapter XV, Section 2 entitled ''Nasdaq Options Market—Fees and Rebates,'' which governs pricing for Nasdaq Participants using The Nasdaq Options Market LLC (''NOM''), Nasdaq's facility for executing and routing standardized equity and index options. The Exchange proposes to amend an incentive offered today related to its subsidy program, the Market Access and Routing Subsidy or ''MARS.''

While changes to the Pricing Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on November 1, 2017.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NOM proposes to amend the Exchange's pricing at Chapter XV, Section 2 entitled ''Nasdaq Options Market—Fees and Rebates.'' Specifically, the Exchange proposes to amend an incentive in note ''d'' offered to NOM Participants that qualify for any MARS Payment Tier in Chapter XV, Section 2(6) related to the MARS subsidy program. MARS pays a subsidy to NOM Participants that provide certain order routing functionalities to other NOM Participants and/or use such functionalities themselves.[3]

Background on MARS

Today, to qualify for MARS, a NOM Participant's routing system (hereinafter ''System'') is required to meet certain criteria.[4]

MARS Payments are made to NOM Participants that have System Eligibility and have routed the requisite number of Eligible Contracts daily in a month (''Average Daily Volume''), which were executed on NOM.[5] Today, NOM Participants that have System Eligibility and have executed the requisite number of Eligible Contracts in a month will be paid the following rebates:[6]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Generally, under MARS, the Exchange pays participating NOM Participants to subsidize their costs of providing routing services to route orders to NOM. The Exchange believes that the proposed amendment to MARS will continue to attract higher volumes of electronic equity and ETF options volume to the Exchange from non-NOM Participants as well as NOM Participants. The order routing functionalities permit NOM Participants to provide access and connectivity to other Participants as well as utilize such access for themselves. The Exchange notes that one NOM Participant is eligible for payments under MARS, while another NOM Participant might potentially be liable for transaction charges associated with the execution of the order, because those orders were delivered to the Exchange through a NOM Participant's connection to the Exchange and that Participant qualified for the MARS Payment.

[4] Specifically the Participant's System is required to: (1) Enable the electronic routing of orders to all of the U.S. options exchanges, including NOM; (2) provide current consolidated market data from the U.S. options exchanges; and (3) be capable of interfacing with NOM's API to access current NOM match engine functionality. The NOM Participant's System would also need to cause NOM to be one of the top three default destination exchanges for (a) individually executed marketable orders if NOM is at the national best bid or offer (''NBBO''), regardless of size or time, (b) orders that establish a new NBBO on NOM's Order Book, but allow any user to manually override NOM as the default destination on an order-by-order basis. Any NOM Participant is permitted to avail itself of this arrangement, provided that its order routing functionality incorporates the features described herein and the Participant satisfies NOM that it appears to be robust and reliable. Participants remain solely responsible for implementing and operating its System.

[5] For the purpose of qualifying for the MARS Payment, Eligible Contracts may include Firm, Non-NOM Market Maker, Broker-Dealer, or Joint Back Office or ''JBO'' equity option orders that add liquidity and are electronically delivered and executed. Eligible Contracts do not include Mini Option orders.

[6] The specified MARS Payments are paid on all executed Eligible Contracts that add liquidity, which are routed to NOM through a participating NOM Participant's System and meet the requisite Eligible Contracts ADV. No payments are made with respect to orders that are routed to NOM, but not executed. Also, a Participant is not entitled to receive any other revenue from the Exchange for the use of its System specifically with respect to orders routed to NOM. Specifically, the specified MARS Payments are paid on all executed Eligible Contracts that add liquidity, which are routed to NOM through a participating NOM Participant's

Continued

Tiers	Average daily volume (''ADV'')	MARS payment (penny)	MARS payment (non-penny)
1	2,000	*$0.07	*$0.15
2	5,000	*0.09	*0.20
3	10,000	*0.11	*0.30
4	20,000	*0.15	*0.50
5	45,000	*0.17	*0.60

Specifically, the specified MARS Payments are paid on all executed Eligible Contracts that add liquidity, which are routed to NOM through a participating NOM Participant's System and meet the requisite Eligible Contracts ADV.[7]

Incentive

Today, the Exchange pays certain Customer[8] and Professional[9] Penny Pilot Options Rebates to Add Liquidity. These rebates are structured as an 8 tier rebate program with certain eligibility requirements for each tier. In addition to the Customer and Professional Penny Pilot Options Rebates to Add Liquidity, the NOM Participant may also qualify for an additional rebate provided the NOM Participant qualifies for any MARS Payment Tier for each transaction which adds liquidity in Penny Pilot Options in that month. Today, the Exchange pays an additional $0.03 per contract Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month, in addition to qualifying Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity Tiers 1–8. Also, today, NOM Participants that qualify for a note ''c'' incentive[10] receive the greater of the note ''c'' or note ''d'' incentive. The Exchange proposes to increase the additional incentive in note ''d'' currently offered to NOM Participants that qualify for any MARS Payment Tier for each transaction, by increasing the additional $0.03 per contract Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month, in addition to qualifying Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity Tiers 1–8, to $0.04 per contract. The Exchange believes that this proposal will continue to attract Penny Pilot and Non-Penny Pilot Options liquidity to NOM. All market participants benefit from the increased order interaction when more order flow is available on NOM.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among Participants and issuers and other persons using any facility or system which the Exchange operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to amend note ''d'' in Chapter XV, Section 2(1) to permit any MARS Payment tier to qualify a NOM Participant for an additional $0.04 per contract Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month, in addition to qualifying for Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity Tiers 1–8,[13] is reasonable because the proposed amendment should continue to encourage NOM Participants to qualify for both a MARS Payment tier and a Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity, thereby executing a greater amount of order flow on NOM to the benefit of all market participants who may interact with the order flow.

The Exchange's proposal to amend note ''d'' in Chapter XV, Section 2(1) to permit any MARS Payment tier to qualify a NOM Participant for an additional $0.04 per contract Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month, in addition to qualifying for Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity Tiers 1–8,[14] is equitable and not unfairly discriminatory. All NOM Participants are eligible to qualify for a MARS Payment, provided they have System Eligibility, and all NOM Participants may be eligible for a Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity provided they execute qualifying volume. All NOM Participants are eligible to qualify for the note ''d'' incentive provided the requisite requirements are met. The Exchange would uniformly pay the additional note ''d'' incentive to all qualifying NOM Participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable.

The Exchange's proposal to amend note ''d'' in Chapter XV, Section 2(1) to permit any MARS Payment tier to qualify a NOM Participant for an additional $0.04 per contract Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month, in addition to qualifying for Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity Tiers 1–8,[15]

System and meet the requisite Eligible Contracts ADV. No payments are made with respect to orders that are routed to NOM, but not executed.

[7] No payments are made with respect to orders that are routed to NOM, but not executed.

[8] The term ''Customer'' or (''C'') applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation which is not for the account of broker or dealer or for the account of a ''Professional.'' *See* Chapter XV.

[9] The term ''Professional'' or (''P'') means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Chapter I, Section 1(a)(48). All Professional orders shall be appropriately marked by Participants. *See* Chapter XV.

[10] The note ''c'' incentive can be found at Chapter XV, Section 2(1) and provides additional incentives to NOM Participants for meeting certain criteria specified therein.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] If the Participant qualified for a higher note ''c'' rebate, the Participant would receive the appropriate note ''c'' rebate they qualified for in that month.

[14] *Id.*

[15] *Id.*

does not impose an undue burden on intra-market competition. All NOM Participants are eligible to qualify for a MARS Payment, provided they have System Eligibility, and all NOM Participants may be eligible for a Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity provided they execute qualifying volume. All NOM Participants are eligible to qualify for the note ''d'' incentive provided the requisite requirements are met. The Exchange would uniformly pay the additional note ''d'' incentive to all qualifying NOM Participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–116 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2017–116. 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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–116 and should be submitted on or before November 29, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–24251 Filed 11–7–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82005; File No. SR–PHLX–2017–055]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Order Approving Proposed Rule Changes To Amend Rules 1024, Conduct of Accounts for Options Trading, and 1025, Supervision of Accounts

November 2, 2017.

I. Introduction

On September 7, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] proposed rule changes to amend Phlx Rules 1024 (Conduct of Accounts for Options Trading) and 1025 (Supervision of Accounts) to conform them more closely to the comparable rules of the Chicago Board Options Exchange (''CBOE'') and to make minor clarifications and corrections to the text.

The proposed rule changes were published for comment in the **Federal Register** on September 22, 2017.[3] The public comment period closed on October 13, 2017. The Commission received no comments on the proposed rule changes. This order approves the proposed rule changes.

II. Description of the Proposed Rule Changes[4]

Rules 1024 and 1025 contain regulatory requirements generally applicable to Phlx members and member organizations that conduct a public customer options business. The Exchange is proposing changes to certain sections of those rules to clarify the language and to correct inaccuracies. The Exchange also proposes to change certain rule language to conform the rules more closely to CBOE rules dealing with the same subject matter, in order to prevent inadvertent misunderstandings of the rules' requirements. These rule changes are intended to promote more effective regulatory compliance by Exchange members and member organizations. The proposed changes are detailed below.

Rule 1024(a)(i)

Rule 1024(a)(i) governs registration of Options Principals.[5] The rule currently provides that no member or member organization or individual associated with a member organization shall be approved to transact options business with the public until such persons, who are designated as Options Principals, have been approved by and registered with the Exchange. Additionally, it provides that persons engaged in the supervision of options sales practice or a person to whom the designated general partner or executive officer

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 81642 (Sept. 18, 2017), 82 FR 44481 (Sept. 22, 2017) (''Notice'').

[4] The subsequent description of the proposed rule changes is substantially excerpted from the Exchange's description in the Notice. *See* Notice, 82 FR 44481–83.

[5] *See* Rule 612(d).

(pursuant to Rule 1025) or another Registered Options Principal [6] delegates the authority to supervise options sales practices shall be designated as Options Principals. Finally, the rule states that all members and member organizations must use Web CRD to submit Form U4, Uniform Application for Securities Industry Registration or Transfer filings on behalf of their Options Principals. Members and member organizations are required under the rule to amend Form U4 filings not later than thirty (30) days after the filer knew or should have known of the facts which gave rise to the amendment.

The Exchange is proposing to amend Rule 1024(a)(i) by adopting language requiring Options Principals to electronically file a Uniform Application for Securities Industry Registration or Transfer (Form U4) with Web CRD, to successfully complete an examination prescribed by the Exchange and specified in Rule 1024 for the purpose of demonstrating an adequate knowledge of the options business and of the Rules of the Exchange, and to further agree in the U4 filing to abide by the Bylaws and Rules of the Exchange and the Rules of The Options Clearing Corporation. The Exchange is proposing to remove the sentence that requires members and member organizations to amend Form U4 filings not later than thirty (30) days after the filer knew or should have known of the facts which gave rise to the amendment. However, the Exchange proposes to add language requiring members and member organizations that are required to complete Form U4 to promptly (but in any event no later than 30 days after the filer knew or should have known of the facts which gave rise to the need for the amendment) electronically file any required amendments to Form U4 with Web CRD. Additionally, new language is proposed that would require termination of employment or affiliation of any Registered Options Principal in such capacity to be promptly, but in any event no later than 30 days following the termination, electronically reported to Web CRD together with a brief statement of the reason for such termination on Form U5. The amendment would conform Rule 1024(a) more closely to CBOE Rule 9.2. The proposal would also correct a reference in the second sentence to ''options sale practice,'' substituting for that term ''options sales practices.''

Rule 1024(b)(ii)

Rule 1024(b)(ii) generally provides that, in approving a customer's account for options transactions, a member or member organization shall exercise due diligence to learn the essential facts as to the customer and his investment objectives and financial situation, and shall make a record of such information. It also provides for approval and for confirmation of approval of the customer's account by a Registered Options Principal qualified individual.

For purposes of clarity, the Exchange proposes to eliminate references in Rule 1024(b)(ii) to a ''specific'' or ''specified'' Registered Options Principal. It also proposes to delete the words ''qualified individual'' as they appear following references to Registered Options Principals to eliminate any ambiguity, as it is not clear what a Registered Options Principal qualified individual means if not a Registered Options Principal. Finally, the Exchange proposes to relocate the phrase ''within a reasonable period of time'' simply to conform the rule in this respect more closely to CBOE Rule 9.7.

Rule 1024(c)(v)

Rule 1024(c)(v) is proposed to be amended by changing an inaccurate internal cross reference, from Rule 1029(c) to Rule 1029(b).

Rule 1024 Commentary .01 Section 8

The Exchange is proposing to delete the word ''other'' as unnecessary and to correct the placement of a closing parenthesis, moving it from after the word ''transactions'' to after the word ''commodities.''

Rule 1024 Commentary .03

The Exchange is proposing to add the inadvertently omitted word ''an'' before the word ''opportunity.''

Rule 1024 Commentary .06

The Exchange is proposing to reword the sentence for clarity, so that it states that individuals engaged in the supervision of options sales practices are required to be designated as Options Principals and are required to qualify as an Options Principal by passing one of the examinations referred to in the rule. The Exchange also proposes to amend the rule's reference to the Series 9/10 examination, in order to use the same name that the Financial Industry Regulatory Authority (''FINRA'') uses for that examination.

Rule 1024 Commentary .07

The Exchange proposes to add the inadvertently dropped word ''reviewing'' to a sentence that requires individuals who are delegated responsibility for reviewing, among other things, the acceptance of discretionary accounts, to be designated as Options Principals and pass the Series 4 examination.

Rule 1025(a)(iii)A

The Exchange proposes to substitute the word ''responsibility'' for the word ''responsibilities'' simply to conform the rule more closely to CBOE Rule 9.8(a)(3)(i).

Rule 1025(b)(i)

The Exchange proposes to make non-substantive wording changes to conform the rule language more closely to that of CBOE Rule 9.8(b)(1) by removing the unnecessary words ''above-noted,'' by replacing the words ''requirements applicable to'' with the words ''responsibility of,'' by deleting the unnecessary words ''however, the,'' and by replacing the words ''other than the principal supervisory office if such documents and information'' with the words ''off premises so long as the records.''

Rule 1025(b)(iii)

The Exchange proposes to capitalize the word ''Rule'' in a reference to SEC Rule 17a–4, to conform the language more closely to CBOE Rule 9.8(b)(3).

Rule 1025(b) Concluding Sentence

The words ''any person'' are proposed to be substituted for the words ''a person'', and an inaccurate reference to ''this paragraph (b)(3)'' is proposed to be corrected to read ''this paragraph (b)(iii).''

Rule 1025(d)

An extraneous word ''the'' is proposed to be deleted before the word ''proximity'' to conform more closely to CBOE Rule 9.8(d)(1)(i), and an inaccurate reference to Rule 1025(c) is proposed to be corrected to read Rule 1025(e).

Rule 1025(e)

The Exchange proposes to remove an extraneous comma to conform the rule more closely to CBOE Rule 9.8(e)(1) and to change an incorrect internal cross reference from paragraph (e)(1) to paragraph (e)(i).

Rule 1025(g)

Currently, Rule 1025(g) requires each member organization that conducts a non-member customer business to submit each year to the Exchange a written report on the member organization's supervision and compliance effort during the preceding year. The Exchange proposes to expand the requirement to conform it more closely to CBOE Rule 9.8(g), by

[6] *Id.*

specifying that the report must also detail the adequacy of the member organization's ongoing compliance processes and procedures. The proposed amendments to Rule 1025(g) would also require the Chief Executive Officer (or equivalent) to certify that the member organization has in place processes to test the effectiveness of policies and procedures on a periodic, rather than on a regular, basis. This change would conform the Exchange's requirement more closely to the comparable CBOE Rule 9.8(g)5(i)(C) requirement. The proposal would also correct the spelling of the word ''preceding'' in Rule 1025(g)(ii), add missing semicolons to an itemized list found in Rule 1025(g)(iii), correct inaccurate internal cross references in Rules 1025(g)(v)(C) and (D), as well as correct the placement of a closing parenthesis in Rule 1025(g)(v)(C). Finally, it would replace the awkward phrase ''this requirement of this Rule'' with ''the requirements of this Rule.''

Rule 1025(h)

Rule 1025(h) currently provides that each member organization shall submit the report required by Rule 1024(g) to its one or more control persons or, if the member organization has no control person, to the audit committee of its board of directors or its equivalent committee or group. The Exchange proposes to replace the inaccurate reference to Rule 1024(g) with a correct reference to Rule 1025(g). The Exchange proposes to add language to the end of the rule to establish the meaning of ''control person,'' proposed to be defined as a person who controls the member organization. The new language would define the term ''control'' as meaning the power to exercise a controlling influence over the management or policies of the member organization, unless such power is solely the result of an official position with the member organization. Finally, the new language would state that any person who owns beneficially, directly or indirectly, more than 20% of the voting power in the election of directors of the member organization, or more than 25% of the voting power in the election of directors of any other corporation which directly or through one or more affiliates owns beneficially more than 25% of the voting power in the election of directors of the member organization, shall be presumed to control the member organization. The proposed new language is based on CBOE Rules 9.8(h) and 1.1(k), which is incorporated by reference into CBOE Rule 9.8(h).

Rule 1025 Commentary .02 and .03

Rule 1025 Commentary .02 is proposed to be amended by deleting the introductory phrase ''In meeting their supervisory responsibilities'' in order to conform the language more closely to CBOE Rule 9.8, Interpretations and Policies .01. The rule currently requires member organizations conducting a non-member customer business to enforce written procedures governing the conduct of options accounts. As revised, the written procedures would be required to detail the specific methods used to supervise all non-member customer accounts and all orders in such accounts. This amendment would also provide greater clarity regarding the required content of the procedures and also would conform the rule more closely to CBOE Rule 9.8, Interpretations and Policies .01. The last sentence of Commentary .02 would be revised by replacing the phrase ''short uncovered'' options positions with the phrase ''uncovered short'' options positions. Finally, the Exchange proposes to amend Rule 1025 Commentary .03 by adding the word ''shall'' to the first sentence, to conform the language more closely to CBOE Rule 9.8, Interpretations and Policies .02.

IV. Discussion and Commission Findings

After careful review of the proposed rule changes, the Commission finds that the proposal is consistent with the requirements of the Exchange Act and the rules and regulations thereunder that are applicable to a national securities exchange.[7] Specifically, the Commission finds that the proposed rule changes are consistent with Section 6(b)(5) of the Exchange Act,[8] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest. Section 6(b)(5) also requires that the rules of an exchange not be designed to permit unfair discrimination among customers, issuers, brokers, or dealers.

The proposal is designed to ''remove impediments to and perfect the mechanism of a free and open market and a national market system, by correcting various aspects of the rules and by adding additional clarity to the rules.'' [9] The Commission notes that Phlx believes that conforming its rules regarding conduct of accounts for options trading and supervision of accounts more closely to the corresponding CBOE rules will create ''more efficient regulatory compliance by members of both exchanges due to reduction of differences in wording and consequent potential for inadvertent regulatory noncompliance.'' [10] The Commission further notes that Phlx believes that the minor corrections and clarifications of the rules in the proposal will ''improve the accuracy of the rules'' and ''improve their readability, making them more understandable and thereby facilitating easier compliance.'' [11] The Commission notes that the proposal received no comments from the public.

The Commission believes that the proposal will promote regulatory efficiency through more precise rule text and greater harmonization of regulatory requirements across national securities exchanges, thereby reducing regulatory burdens, without undermining strong regulatory protections for investors. The Commission believes that the approach proposed by the Exchange is appropriate and designed to protect investors and the public interest, consistent with Section 6(b)(5) of the Exchange Act. For these reasons, the Commission finds that the proposed rule changes are consistent with the Exchange Act and the rules and regulations thereunder.

V. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) [12] of the Exchange Act that the proposal (SR–PHLX–2017–055), be and hereby is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–24256 Filed 11–7–17; 8:45 am]

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[7] In approving these rule changes, the Commission has considered the rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(5).

[9] *See* Notice, 82 FR at 44483.

[10] *See id.*

[11] *See id.*

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82004; File No. SR–NYSEArca–2017–126]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend NYSE Arca Rules 7.31–E and 7.35–E

November 2, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 20, 2017, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Rules 7.31–E (Orders and Modifiers) and 7.35–E (Auctions) to establish a minimum dollar threshold into the price protection mechanisms provided for in the respective rules; (2) clarify the order processing specified in Rule 7.35–E(e)(8)(C); and (3) make technical non-substantive changes to Rules 7.31–E and 7.35–E. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to: (1) Amend NYSE Arca Rules 7.31–E (Orders and Modifiers) and NYSE Arca Rule 7.35–E (Auctions) to establish a minimum dollar threshold into the price protection mechanisms provided for in the respective rules; (2) clarify the order processing specified in Rule 7.35–E(e)(8)(C); and (3) make technical non-substantive changes to Rules 7.31–E and 7.35–E.

Proposed Changes To Establish a Minimum Dollar Threshold for Price Protection Mechanisms

Rule 7.31–E(a)(1)(B) describes the price protection mechanism for Market Orders, *i.e.,* Trading Collars. Currently, Rule 7.31–E(a)(1)(B)(i) provides that the Trading Collar will be based on a price that is a specified percentage away from the consolidated last sale price. Rule 7.31–E (a)(1)(B)(i) further provides that the upper (lower) boundary of the Trading Collar is the consolidated last sale price increased (decreased) by the specified percentage truncated to the minimum price variation (''MPV'') for the security.

Additionally, Rule 7.31–E(a)(2)(B) describes the price protection mechanism for Limit Orders, *i.e.* Limit Order Price Protection. Currently, Rule 7.31–E(a)(2)(B) provides that a Limit Orders to buy (sell) will be rejected if it is priced at or above (below) a specified percentage away from the National Best Offer (National Best Bid) (''NBO'' and ''NBB'', respectively).

Rule 7.35–E(a)(10) describes the price protection mechanism for Auctions, *i.e.,* Auction Collar. Currently, Rule 7.35–E(a)(10)(A) provides that the Auction Collar for the Core Open Auction and Closing Auction is based on a price that is a specified percentage away from the Auction Reference Price for the applicable auction. The upper (lower) boundary of the Auction Collar is the Auction Reference Price increased (decreased) by the specified percentage, truncated to the MPV.

The Exchange proposes to amend these price protection mechanisms to introduce a minimum dollar threshold for lower-price securities, as follows:

• *Trading Collar:* The Exchange proposes to amend Rule 7.31–E(a)(1)(B)(i) to introduce a minimum dollar threshold, of $0.15, into the calculation of the Trading Collar. As such, the proposed rule would provide that the Trading Collar would be based on a price that is the greater of $0.15, or a specified percentage away from the consolidated last sale. Accordingly, the upper boundary and lower boundary of the Trading Collar would be the consolidated last sale price increased and decreased, respectively, by the greater of $0.15 or the specified percentage.

• *Limit Order Price Protection:* The Exchange proposes to amend Rule 7.31–E(a)(2)(B) to introduce the same proposed minimum dollar threshold that is specified above for the Trading Collar, of $0.15, into the Limit Order Price Protection calculation. Accordingly, the proposed rule would provide that a Limit Order to buy (sell) would be rejected if it was priced at or above (below) the greater of $0.15 or a specified percentage away from the NBO (NBB). The Exchange believes that the introduction of a minimum dollar threshold enhances the Limit Order Price Protection and encourages price continuity specifically in lower priced illiquid securities.

• *Auction Collar:* Similarly, the Exchange also proposes to amend Rule 7.35–E(a)(10)(A) to provide that the Auction Collar for the Core Open Auction and Closing Auction would be based on a price that is the greater of $0.15 or a specified percentage away from the Auction Reference Price. Accordingly, the proposed rule would provide that the upper (lower) boundary of the Auction Collar would be the Auction Reference Price increased (decreased) by the greater of $0.15 or the specified percentage.

The Exchange believes that adding a minimum dollar threshold to the Trading Collar, Limit Order Price Protection, and Auction Collar calculations would enhance the respective price protection mechanisms for securities with a reference price below $1.50 because using a percentage multiplier for such securities would result in too narrow of a price protection mechanism. This proposed rule change is consistent with how other exchanges specify static price collar thresholds for lower-price securities. Also, the Auction Collar applicable for Trading Halt Auctions, described in Rule 7.35–E(e)(7), provides that for securities with an Auction reference price under $3.00, the price collar threshold for auction collars would be a static $0.15 instead of 5 percent.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See also* Nasdaq Stock Market LLC (''Nasdaq'') Rule 4703(d) (providing that ''any portion of a Primary Pegging Order or Market Pegging Order that would execute . . . at a price more than $0.25 or 5 percent worse that the NBBO . . . will be cancelled)'' and Bats BZX Exchange, Inc. (''BZX'') Rule 27.2, Interpretations and Policies .01 and Bats

Proposed Change To Clarify Order Processing as Specified in Rule 7.35–E

Rule 7.35–E(e)(8) describes the Trading Halt Auction Imbalance Freeze and provides that if a pause or halt is extended, the Trading Halt Auction Imbalance Freeze for the prior period will end, new orders and order instructions received during the prior period's Trading Halt Auction Freeze will be processed, and the Exchange will accept order entry and cancellation as provided for in Rule 7.18–E(c) until the next Trading Halt Auction Imbalance Freeze. The Exchange proposes to amend Rule 7.35–E(e)(8)(C) to clarify that requests to cancel and requests to cancel and replace Market Orders, LOO Orders, Limit Orders, and IO Orders will be accepted but not processed until either after the Trading Halt Auction concludes (current rule text) or, if a pause or halt is extended, when the Trading Halt Auction Imbalance Freeze for the prior period ends (proposed rule text). Accordingly Rule 7.35–E(e)(8)(C) would read as follows (proposed additions *italicized*):

Requests to cancel and requests to cancel and replace Market Orders, LOO Orders, Limit Orders, and IO Orders will be accepted but not processed until *either* after the Trading Halt Auction concludes, as provided for in paragraph (h) of this Rule*, or, if a pause or halt is extended, when the Trading Halt Auction Imbalance Freeze for the prior period ends.*

The Exchange believes that the proposed changes clarify when requests to cancel and requests to cancel and replace Market Orders, LOO Orders, Limit Orders, and IO Orders would be processed if a pause or halt is extended, and that in such circumstances, the Exchange would not wait until the end of the Trading Halt Auction to process these messages.

Proposed Changes To Make Technical and Conforming Updates to Rules 7.31–E and 7.35–E

The Exchange proposes to replace the word ''truncated'' with the words ''rounded down'' [5] in Rules 7.31–E(a)(1)(B)(i) and 7.35–E(a)(10)(A). The Exchange believes that conforming the terminology used within Rules 7.31–E [6] and 7.35–E and elsewhere in Exchange's rules promotes clarity and transparency.

Finally, the Exchange proposes a non-substantive, technical amendment to Rule 7.31–E(c)(5)(C) to correct a typographical error by adding the word ''be'' and replacing the word ''that'' with ''than.''

Implementation

The Exchange anticipates implementing the proposed changes to establish a minimum dollar threshold into the Trading Collar, Limit Order Price Protection, and Auction Collar in the fourth quarter of 2017 and will announce by Trader Update the implementation date of those proposed rule changes. All other proposed changes would be implemented upon effectiveness of this filing.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[7] in general, and with Section 6(b)(5),[8] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes the proposed changes relating to adding a minimum price threshold to Rules 7.31–E(a)(1)(B)(i), 7.31–E(a)(2)(B), and 7.35–E(a)(10)(A) would 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, because they would enhance the Exchange's price protection mechanisms, which protect from aberrant prices and reduce the likelihood of halts, thus improving continuous trading and price discovery. Further, the proposal to enhance the price protection mechanisms by adding a minimum dollar threshold would assist with the maintenance of fair and orderly markets because such mechanisms protect investors from potentially receiving executions away from the prevailing market prices at any given time. The proposed changes to introduce the $0.15 minimum dollar threshold is not novel and is similar in nature to that of other national securities exchanges which incorporate dollar thresholds into the calculation of the respective price protection mechanisms.[9]

The Exchange believes that the proposed amendment to Rules 7.35–E(e)(8) to clarify order processing would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed rule changes are designed to promote clarity, consistency, and transparency in Exchange rules.

The Exchange also believes that replacing the term ''truncated'' with the term ''rounded down'' in Rules 7.31–E(a)(1)(B)(i) and, 7.35–E(a)(10)(A) would remove impediments to and perfect the mechanism of a free and open market and a national market system because they are designed to promote clarity, consistency, and transparency in Exchange rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather would (1) provide for a more effective price protection mechanism, specifically for lower-priced securities; (2) clarify the order processing in Rule 7.35–E(e)(8)(C) to promote clarity, consistency, and transparency; and (3) make technical non-substantive changes to Rules 7.31–E and 7.35–E.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11]

Rule 11.13 (stating that BZX ''will not execute any portion of a bid at a price more than the greater of 5 cents or 0.5 percent higher than the lowest Protected Offer'').

[5] *See* Rule 7.46–E(f)(2)(A), which provides that references to truncating to the MPV in Exchange rules instead mean rounding down to the applicable quoting MPV for tick pilot securities.

[6] *See* Rule 7.31–E(a)(2)(B) which provides that ''Limit Order Price Protection . . . will be *rounded down* to the nearest price at the applicable MPV.''

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *See supra* note 4.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to

Continued

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 change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–126 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca-2017–126. 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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–126 and should be submitted on or before November 29, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–24255 Filed 11–7–17; 8:45 am]

BILLING CODE 8011–01–P

give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82006; File Nos. SR–DTC–2017–016; SR–NSCC–2017–016; SR–FICC–2017–020]

Self-Regulatory Organizations; The Depository Trust Company; National Securities Clearing Corporation; Fixed Income Clearing Corporation; Order Approving Proposed Rule Changes To Adopt the Clearing Agency Securities Valuation Framework

November 2, 2017.

I. Introduction

On September 8, 2017, The Depository Trust Company (''DTC''), National Securities Clearing Corporation (''NSCC''), and Fixed Income Clearing Corporation (''FICC,'' each a ''Clearing Agency,'' and together with DTC and NSCC, the ''Clearing Agencies''), filed with the Securities and Exchange Commission (''Commission'') proposed rule changes SR–DTC–2017–016, SR–NSCC–2017–016, and SR–FICC–2017–020, respectively, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule changes were published for comment in the **Federal Register** on September 27, 2017.[3] The Commission did not receive any comment letters on the proposed rule changes. For the reasons discussed below, the Commission approves the proposed rule changes.

II. Description of the Proposed Rule Changes

The Clearing Agencies propose to adopt the Clearing Agency Securities Valuation Framework (''Framework'') of the Clearing Agencies, as described below.

A. Overview of the Framework

The Framework would address the manner in which the Clearing Agencies select and review ''Pricing Vendors'' and value securities that the Clearing Agencies process or otherwise hold. The proposed rule changes would set forth the securities valuation practices adopted by the Clearing Agencies for securities eligible for clearance and settlement processing by the applicable Clearing Agency; and in the case of FICC and NSCC, as central counterparties (''CCPs''), securities eligible to be held in their respective clearing funds.[4]

B. Selection of Pricing Vendors

Each Clearing Agency would price securities for both end-of-day and intraday value primarily through pricing data supplied by third-party pricing vendors (''Pricing Vendors'').[5] For most securities, Pricing Vendors would supply the Clearing Agencies with intraday pricing data on at least an hourly basis.[6] Pricing Vendors would be selected by each Clearing Agency based on a review of their service, including, at a minimum, a review of Pricing Vendors' securities coverage and a price quality check.[7]

The Framework would provide that each security be assigned a primary source Pricing Vendor (''Primary Pricing Vendor'') and a secondary source Pricing Vendor (''Secondary Pricing Vendor'').[8] In the event that the Primary Pricing Vendor becomes unavailable, unreliable, or otherwise unusable with respect to a security, the Secondary Pricing Vendor would be designated as the replacement for the Primary Pricing Vendor with respect to such security.[9]

Each Clearing Agency would perform due diligence on each Pricing Vendor prior to engagement, and at least annually thereafter, to assess the

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81667 (September 21, 2017), 82 FR 45106 (September 27, 2017) (SR–DTC–2017–016; SR–NSCC–2017–016; SR–FICC–2017–020) (''Notice'').

[4] *Id.*

[5] *Id.* at 45107.

[6] Certain securities may not be priced daily, and others may only be priced once each business day. *Id.*

[7] *Id.*

[8] *Id.*

[9] *Id.*

reliability of such Pricing Vendor.[10] Reliability of a Pricing Vendor would be determined by each Clearing Agency based on a range of factors, including whether such Pricing Vendor can provide accurate and timely pricing data with respect to each security.[11]

C. Monitoring and Pricing

Each Clearing Agency would monitor and review each applicable Pricing Vendor's pricing at least once each business day to determine (i) whether any security's price has remained unchanged for an extended period; (ii) whether a security has been dropped from the Pricing Vendor's file; and (iii) whether any other circumstances exist that may call into question the reliability of any security's price.[12]

Each security's end-of-day price would be date stamped, and each intraday price would be time and date stamped. Both end-of-day and intraday prices would be identified with a Pricing Vendor source.[13] In the event that both a Primary Pricing Vendor and a Secondary Pricing Vendor become unavailable, unreliable, or otherwise unusable with respect to a security, the applicable Clearing Agency would assign such security its last available price.[14] If pricing data for a security is unavailable from a Pricing Vendor, or if the last available price is deemed to be unreliable or unusable, the applicable Clearing Agency would establish a price for the security based on valuation models, where applicable, and in accordance with the policies and procedures that support the Framework.[15]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization.[16] After carefully considering the proposed rule changes, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Clearing Agencies. Specifically, the Commission finds that the proposed rule changes are consistent with Section 17A(b)(3)(F) of the Act[17] as well as Rules 17Ad–22(e)(4)(i)[18] and (e)(6)(iv)[19] under the Act.

A. Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a registered clearing agency be designed to promote prompt and accurate clearance and settlement, and assure the safeguarding of securities and funds which are in the custody or control of the Clearing Agencies or for which they are responsible.[20]

As described above, the Framework would describe the manner in which the Clearing Agencies select and review their Pricing Vendors, and how the Clearing Agencies value securities that the Clearing Agencies process or otherwise hold. By describing the Clearing Agencies' Pricing Vendors selection process and securities valuation practices in a clear and comprehensive manner, the Framework is designed to provide (i) reliable sources of timely price data, and (ii) a sound valuation practice when pricing data is not readily available. In doing so, the Framework would help the Clearing Agencies to promptly and accurately value (i) the securities that the Clearing Agencies process for clearance and settlement purposes; (ii) for DTC, the available collateral for a participant's net settlement obligation, which DTC monitors to help mitigate the credit risk that participants[21] present to DTC;[22] and (iii) for NSCC and FICC, the securities held in their respective clearing funds, which are maintained to help mitigate the credit risk that participants present to NSCC and FICC, as applicable.[23] By establishing a framework for accurately valuing securities that the Clearing Agencies process and hold for risk management purposes, the Framework would better position the Clearing Agencies to continue their critical operations and services, promptly and accurately, and mitigate the risk of financial loss to the Clearing Agencies and their non-defaulting participants due to a participant default.

Therefore, the Commission finds that the proposed rule changes are designed to help promote prompt and accurate clearance and settlement, and assure the safeguarding of securities and funds which are in the custody or control of the Clearing Agencies or for which they are responsible, consistent with Section 17A(b)(3)(F) of the Act.[24]

B. Consistency With Rule 17Ad–22(e)(4)(i)

Rule 17Ad–22(e)(4)(i) under the Act requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[25]

As described above, the Framework would describe how the Clearing Agencies select and review their Pricing Vendors, and how the Clearing Agencies price securities that the Clearing Agencies process or otherwise hold, even when pricing data becomes unavailable or unreliable. In doing so, the Framework would help ensure that each Clearing Agency uses (i) reliable sources of timely price data when pricing securities processed or otherwise held by the Clearing Agency and (ii) clear valuation procedures when pricing data is not readily available or reliable. The Framework would further provide that the prices provided by each Pricing Vendor would be reviewed at least daily, which would help ensure that prices are accurate and reliable.

By codifying these aforementioned practices in the Framework, the Framework is designed to help ensure that securities are priced appropriately. By appropriately pricing securities, the Clearing Agencies can more accurately calculate the value of the securities that the Clearing Agencies monitor or held for risk management purposes, as described above. Based on the value of the securities, a Clearing Agency may require a participant to provide more financial resources or limit the participants' activities pursuant to the Clearing Agency's rules, in order to better manage the credit risk presented

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] 15 U.S.C. 78s(b)(2)(C).

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] 17 CFR 240.17Ad–22(e)(4)(i).

[19] 17 CFR 240.17Ad–22(e)(6)(iv).

[20] 15 U.S.C. 78q–1(b)(3)(F).

[21] DTC refers to its participants as ''Participants,'' while NSCC and FICC refer to their participants as ''Members.'' These terms are defined in the rules of each of the Clearing Agencies. In this order, ''participant'' or ''participants'' refers to both the Participants of DTC and the Members of FICC and NSCC.

[22] DTC: Disclosure under the Principles for Financial Market Infrastructures, *available at http://www.dtcc.com/legal/policy-and-compliance.*

[23] NSCC: Disclosure under the Principles for Financial Market Infrastructures, and FICC: Disclosure under the Principles for Financial Market Infrastructures, *available at http://www.dtcc.com/legal/policy-and-compliance.*

[24] 15 U.S.C. 78q–1(b)(3)(F).

[25] 17 CFR 240.17Ad–22(e)(4)(i).

by the participant.[26] Therefore, the Commission finds that the proposed rule changes are designed to help ensure that the Clearing Agencies maintain sufficient financial resources to cover their credit exposure to each participant with a high degree of confidence, consistent with Rule 17Ad–22(e)(4)(i) under the Act.[27]

C. Consistency With Rule 17Ad–22(e)(6)(iv)

Rule 17Ad–22(e)(6)(iv) under the Act requires that each covered clearing agency that is a CCP to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, uses reliable sources of timely price data and uses procedures and sound valuation models for addressing circumstances in which pricing data are not readily available or reliable.[28]

As described above, the Framework provides that NSCC and FICC, each a CCP, would perform due diligence on each Pricing Vendor prior to engagement, and at least annually thereafter, to assess the reliability of such Pricing Vendor. The Framework also describes how NSCC and FICC would select two Pricing Vendors for each security in case one becomes unavailable, unreliable, or otherwise unusable. In the event that both Primary and Secondary Pricing Vendors become unavailable, unreliable, or unusable, the Framework provides that NSCC and FICC would assign each affected security its last available price. The Framework would further provide that, if the last available price is unavailable, unreliable, or otherwise unusable for a security, NSCC and FICC would establish a price for that security based on valuation models (where applicable) and in accordance with the policies and procedures that support the Framework. By setting forth how NSCC and FICC would select Pricing Vendors that can provide timely and reliable pricing data, and how NSCC and FICC would price securities when pricing data is not readily available or reliable, the Commission finds that the proposed rule changes are consistent with Rule 17Ad–22(e)(6)(iv) under the Act.[29]

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and in particular with Section 17A(b)(3)(F) [30] of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that proposed rule changes SR–DTC–2017–016, SR–NSCC–2017–016, or SR–FICC–2017–020 be, and hereby are, APPROVED.[31]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–24257 Filed 11–7–17; 8:45 am]

BILLING CODE 8011–01–P

[26] *See* the GSD Rulebook of FICC, Rule 4—Clearing Fund and Loss Allocation; the MBSD Clearing Rules of FICC, Rule 4—Clearing Fund and Loss Allocation; Rules and Procedures of NSCC, Procedure XV—Clearing Fund Formula and Other Matters; By-Laws and Organizational Certificate of DTC, Rule 4—Participants Fund and Participants Investment, *available at http://dtcc.com/legal/rules-and-procedures.*

[27] 17 CFR 240.17Ad–22(e)(4)(i).

[28] 17 CFR 240.17Ad–22(e)(6)(iv).

[29] *Id.*

[30] 15 U.S.C. 78q–1(b)(3)(F).

[31] In approving the Proposed Rule Changes, the Commission considered the proposals' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82003; File No. SR–NASDAQ–2017–113]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Fees at Rule 7058

November 2, 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 October 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 amend the Exchange's fees at Rule 7058 to: (i) Offer to waive fees under this Rule for 30 days for any new, prospective, or returning purchaser of either QView or the Latency Optics add-on service; and (ii) remove language offering a subscription to TradeInfo for up to five users at no additional cost to subscribers of the Latency Optics add-on service.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fees at Rule 7058 to: (i) Offer to waive fees under this Rule for 30 days for any new, prospective, or returning purchaser of either QView or the Latency Optics add-on service; and (ii) remove language offering a subscription to TradeInfo for up to five users at no additional cost to subscribers of the Latency Optics add-on service, along with conforming changes. The purposes of the proposed changes are to: (i) Encourage new, prospective, and returning purchasers of either QView or the Latency Optics add-on service to examine these products more closely and thereby increase the number of customers for this product; and (ii) remove a rarely used fee provision in order to render the Latency Optics subscription easier to administer.

Current Products

QView

QView is a web-based tool designed to provide a subscribing member with the ability to track its trading activity on the Exchange through both real-time and historical order and execution summaries, available on a daily or a monthly basis. The QView dashboard allows the member to view a summary of its executions and open orders,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

including, but not limited to: The number of executions and their dollar value; executions by symbol; total volume; whether an order has been added or removed; whether the order is for a buy or a sell; whether an order is open; and information related to routing strategies. QView also includes ranking and market share statistics, such as how the subscribing member firm ranks in Nasdaq market activity as compared to other Nasdaq participants. QView data may be segregated by individual Market Participant Identifiers (MPIDs) or ports. QView was developed to work in conjunction with TradeInfo (discussed below) to allow the QView purchaser to view specific order and execution information provided by the QView dashboard interface.

As set forth in Rule 7058(a), members may subscribe to QView for a fee of $600 per month.

Latency Optics

A member that subscribes to QView may also purchase the Latency Optics add-on service, which provides the member with the ability to monitor three types of latency for order messages and compare that latency to the average on the Nasdaq system: [3] (1) Roundtrip time between order entry and receipt of acknowledgement; (2) roundtrip time between order entry and the time that the order appears on the TotalView ITCH multicast feed; and (3) the roundtrip time between the entry of an order cancellation request and the time that the message in reply is received by the client device. Data is displayed graphically and in table format, and may be segregated by MPID or ports. Subscribers may also set hourly or end-of-day alert notifications.

As set forth in Rule 7058(b), the Latency Optics add-on is available for a fee of $2,900 per month.

TradeInfo

TradeInfo is a web-based tool that allows a member to see the status of orders, executions, cancels and breaks, generate reports for download, and cancel or correct open orders.

As set forth in Rule 7015(f), TradeInfo is complementary as part of the Nasdaq workstation or may be purchased separately for a fee of $95 per user per month. Under Rule 7058(b), a purchaser of the Latency Optics add-on may obtain TradeInfo for up to 5 users at no additional cost.

Proposed Changes

The Exchange proposes to: (i) Introduce a fee waiver for 30 days for any new, prospective or returning purchaser of either QView or the Latency Optics add-on service to encourage testing and dissemination of the product; and (ii) remove a rarely used provision of Rule 7058 that offers subscribers of the Latency Optics add-on service a subscription to TradeInfo for up to five users at no additional cost.

The Exchange proposes to initiate the new fee waiver program to foster interest in QView or the Latency Optics add-on service and encourage sales for both products. The waiver will be available only once per customer for any version of either product. New versions will be announced by the Exchange on *www.nasdaqtrader.com.*

The Exchange also proposes to remove a rarely used provision of Rule 7058 that offers subscribers of the Latency Optics add-on service a subscription to TradeInfo for up to five users at no additional cost. As stated in Rule 7015(f), TradeInfo is complementary as part of the Nasdaq workstation. Because TradeInfo is already available free of charge with the Nasdaq workstation, customers have expressed little interest in this discount, and that provision has been rarely, if ever, used. As such, the Exchange proposes to eliminate that provision.[4]

The proposed changes do not affect the cost of any other Nasdaq product.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The fee waiver proposal is an equitable allocation of reasonable dues, fees and other charges because it will reduce fees for new, prospective, and returning purchasers of QView or Latency Optics, while not disadvantaging continuing subscribers because their fees will not change. Moreover, the additional subscriptions resulting from the fee waiver will increase market transparency, and, as the total number of subscribers increases, the additional subscriptions will decrease the likelihood of future fee increases as a result of rising fixed costs.

Removal of the provision in Rule 7058(b) allowing a free subscription to TradeInfo for five users is an equitable allocation of reasonable dues, fees and other charges because all members will be charged the same fees for the same product. Moreover, the proposed change will have little substantive impact on fees because the discount was rarely, if ever, used. This proposed change will not permit unfair discrimination between customers, issuers, brokers, or dealers because the proposal will remove a basis for price differentiation among customers that currently exists.[7]

In adopting Regulation NMS,[8] the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. Regulation NMS—deregulating the market in proprietary data—furthers the Act's goals of facilitating efficiency and competition:

[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[9]

Nasdaq believes that QView, the Latency Optics add-on and TradeInfo—which provide members with the ability to track order flow, observe latency and obtain order data—is precisely the sort of market data product that the Commission envisioned when it adopted Regulation NMS.

[3] The service measures the historical latency of the member firm's order messages sent to and from the Nasdaq Market Center through the member firm's OUCH ports and received on ITCH ports. *See* Securities Exchange Act Release No. 68617 (January 10, 2013), 78 FR 3480 (January 16, 2013) (SR–NASDAQ–2013–15) [sic]. OUCH ports are used for order entry; multicast ITCH ports are used for the dissemination of ITCH multicast feeds.

[4] As a conforming change, the Exchange proposes to delete an obsolete reference to a free trial period that expired in September 2013. In addition, a comma is added after the phrase ''In addition,'' in Rule 7058(b) to correct a grammatical error.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] Availability of QView, the Latency Optics add-on service and TradeInfo is already limited to members of the Exchange, which is not unfair discrimination because the information provided solely concerns a member firm's trading activity on the Exchange.

[8] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (''Regulation NMS Adopting Release'').

[9] *Id.*

In *NetCoalition* v. *Securities and Exchange Commission* [10] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[11] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [12] ''No one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [13]

Data products such as QView, the Latency Optics add-on and TradeInfo are a means by which exchanges compete to attract order flow. To the extent that exchanges are successful in such competition, they earn trading revenues and also enhance the value of their data products by increasing the amount of data they are able to provide. The need to compete for order flow places substantial pressure upon exchanges to keep their fees for both executions and data reasonable.[14]

Fees for QView, the Latency Optics add-on and TradeInfo are optional in that they apply only to firms that elect to purchase these products, which, like all proprietary data products, they may cancel at any time.

For all of the reasons set forth above, the Exchange has provided a substantial basis demonstrating that the proposed fee is equitable, fair, reasonable and not unreasonably discriminatory, and therefore consistent with and in furtherance of the purposes of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Introduction of the proposed fee waiver will enhance competition by increasing customer familiarity with the product, thereby leading to more informed purchase decisions. Further, the product itself enhances competition by promoting transparency, and the increased use of the product generated by the fee waiver will increase the amount of information available to the market. Moreover, removal of the provision in 7058(b) allowing a free subscription to TradeInfo for five users will enhance competition by simplifying the fee structure for these products.

The market for data products is extremely competitive and firms may freely choose alternative venues and data vendors based on the aggregate fees assessed, the data offered, and the value provided. Exchanges compete with each other for listings, trades, and market data itself. Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs. The decision whether and on which platform to post an order will depend on the attributes of the platform where the order can be posted, including the execution fees, data quality and price, and distribution of its data products.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, the operation of the exchange is characterized by high fixed costs and low marginal costs. This cost structure is common in content distribution industries such as software, where developing new software typically requires a large initial investment (and continuing large investments to upgrade the software), but once the software is developed, the incremental cost of providing that software to an additional user is typically small, or even zero (*e.g.,* if the software can be downloaded over the internet after being purchased).[15] In Nasdaq's case, it is costly to build and maintain a trading platform, but the incremental cost of trading each additional share on an existing platform, or distributing an additional instance of data, is very low. Market information and executions are each produced jointly (in the sense that the activities of trading and placing orders are the source of the information that is distributed) and are each subject to significant scale economies.

Competition among trading platforms can be expected to constrain the aggregate return each platform earns from the sale of its joint products. The level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including SRO markets, as well as internalizing BDs and various forms of alternative trading systems (''ATSs''), including dark pools and electronic communication networks (''ECNs''). Each SRO market competes to produce transaction reports via trade executions, and two FINRA-regulated TRFs compete to attract internalized transaction reports. It is common for BDs to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market. Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products. The large number of SROs, TRFs, BDs, and ATSs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, TRF, ATS, and BD is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including Nasdaq, NYSE, NYSE MKT, NYSE Arca, and the BATS exchanges.

Firms make decisions regarding market data based on the total cost of interacting with the Exchange, and an ''excessive'' price for one product has the potential to impair revenues from all products. If the price of QView, the Latency Optics add-on or TradeInfo were to become unattractive to member firms,[16] those firms would opt not to purchase the product, or may reduce

[10] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[11] *See NetCoalition,* at 534–535.

[12] *Id.* at 537.

[13] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[14] *See* Sec. Indus. Fin. Mkts. Ass'n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data).

[15] *See* William J. Baumol and Daniel G. Swanson, ''The New Economy and Ubiquitous Competitive Price Discrimination: Identifying Defensible Criteria of Market Power,'' *Antitrust Law Journal,* Vol. 70, No. 3 (2003).

[16] Only member firms can purchase QView, the Latency Optics add-on, and TradeInfo.

their purchases of other products sold by the Exchange.

For all of the reasons set forth above, the Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2017–113 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–2017–113. 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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–113 and should be submitted on or before November 29, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–24254 Filed 11–7–17; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81998; File No. SR–MIAX–2017–45]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

November 2, 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 October 30, 2017, Miami International Securities Exchange LLC (''MIAX Options'' 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the list of MIAX Select Symbols [3] contained in the Priority Customer Rebate Program (the ''Program'') [4] of the Exchange's Fee Schedule to 1. delete the symbol ''SUNE'' associated with SunEdison, Inc. (''SunEdison'') and 2. replace the symbol ''BBRY'' with ''BB'' associated with BlackBerry Limited (''BlackBerry'').

The Exchange initially created the list of MIAX Select Symbols on March 1, 2014,[5] and has added and removed option classes from that list since that

[3] The term ''MIAX Select Symbols'' means options overlying AAL, AAPL, AIG, AMAT, AMD, AMZN, BA, BABA, BBRY, BIDU, BP, C, CAT, CBS, CELG, CLF, CVX, DAL, EBAY, EEM, FB, FCX, GE, GILD, GLD, GM, GOOGL, GPRO, HAL, HTZ, INTC, IWM, JCP, JNJ, JPM, KMI, KO, MO, MRK, NFLX, NOK, NQ, ORCL, PBR, PFE, PG, QCOM, QQQ, RIG, S, SPY, SUNE, T, TSLA, USO, VALE, VXX, WBA, WFC, WMB, WY, X, XHB, XLE, XLF, XLP, XOM, and XOP.

[4] *See* section 1)a)iii) of the Fee Schedule for a complete description of the Program.

[5] *See* Securities Exchange Act Release No. 71700 (March 12, 2014), 79 FR 15188 (March 18, 2014) (SR–MIAX–2014–13).

time.[6] On April 26, 2016, the New York Stock Exchange announced that it was delisting SunEdison since it was no longer suitable for listing. SunEdison had announced on the same day that it and certain of its domestic and international subsidiaries had filed voluntary petitions for reorganization under Chapter 11 of the U.S. Bankruptcy Code.[7]

As a result, the Exchange delisted SunEdison options. Accordingly, the Exchange is amending its Fee Schedule to delete the symbol SUNE from the list of MIAX Select Symbols contained in the Program to correspond with the delisting. This amendment is intended to eliminate any potential confusion and to make it clear to market participants that SunEdison will not be a MIAX Select Symbol contained in the Program as SunEdison options are no longer listed on the Exchange.

BlackBerry recently announced that it was transferring its listing from the Nasdaq Global Select Market to the New York Stock Exchange and, as a result, BlackBerry changed its symbol from ''BBRY'' and is now trading under the new symbol ''BB'' effective October 16, 2017.[8] The Exchange is amending its Fee Schedule to change BlackBerry's symbol in the MIAX Select Symbols from ''BBRY'' to ''BB'' to correspond with this change. This amendment is designed to ensure that there is no confusion amongst market participants that BlackBerry, under its new ticker, will continue to remain in the MIAX Selected Symbols.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(4) of the Act,[10] in that it is an equitable allocation of reasonable fees and other charges among Exchange members and other persons using its facilities, and 6(b)(5) of the Act,[11] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the proposal to delete the symbol SUNE from the list of MIAX Select Symbols contained in the Program and to change the symbol from BBRY to BB is consistent with Section 6(b)(4) of the Act because the proposed changes will allow for continued benefit to investors by providing them an updated list of MIAX Select Symbols contained in the Program on the Fee Schedule. In particular, the proposal to change the BlackBerry symbol to its new designation is consistent with the Act because the proposed change is merely updating the corresponding symbol to allow for BlackBerry to continue to remain in the MIAX Select Symbols.

The Exchange believes that the proposal to amend an option class that qualifies for the credit for transactions in MIAX Select Symbols is fair, equitable and not unreasonably discriminatory. The Exchange believes that the Program itself is reasonably designed because it incentivizes providers of Priority Customer[12] order flow to send that Priority Customer order flow to the Exchange in order to receive a credit in a manner that enables the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants. The Program, which provides increased incentives in certain tiers in high volume select symbols, is also reasonably designed to increase the competitiveness of the Exchange with other options exchanges that also offer increased incentives to higher volume symbols.

The Exchange also believes that its proposal is consistent with Section 6(b)(5) of the Act because it will apply equally to all Priority Customer orders in MIAX Select Symbols in the Program. All similarly situated Priority Customer orders in MIAX Select Symbols are subject to the same rebate schedule, and access to the Exchange is offered on terms that are not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is a not a competitive filing but rather is designed to update the list of MIAX Select Symbols contained in the Program in order to avoid potential confusion on the part of market participants.

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)(ii) of the Act,[13] and Rule 19b–4(f)(2)[14] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2017–45 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

[6] *See* Securities Exchange Act Release Nos. 8109 (June 26, 2017), 82 FR 29962 (June 30, 2017) (SR–MIAX–2017–29); 79301 (November 14, 2016), 81 FR 81854 (November 18, 2016) (SR–MIAX–2016–42); 74291(February 18, 2015), 80 FR 9841 (February 24, 2015) (SR–MIAX–2015–09); 74288 (February 18, 2015), 80 FR 9837 (February 24, 2015) (SR–MIAX–2015–08); 73328 (October 9, 2014), 79 FR 62230 (October 16, 2014) (SR–MIAX–2014–50); 72567 (July 8, 2014), 79 FR 40818 (July 14, 2014) (SR–MIAX–2014–34); 72356 (June 10, 2014), 79 FR 34384 (June 16, 2014) (SR–MIAX–2014–26); 71700 (March 12, 2014), 79 FR 15188 (March 18, 2014) (SR–MIAX–2014–13).

[7] *See* the press release located at *http://ir.theice.com/press/press-releases/nyse-regulation/2016/042116suspensionrelease.*

[8] See the press release located at *https://us.blackberry.com/company/newsroom/press?id=21b4315.*

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(1) and (b)(5).

[12] The term ''Priority Customer'' means a person or entity that 1. is not a broker or dealer in securities, and 2. does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100.

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

All submissions should refer to File Number SR–MIAX–2017–45. 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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2017–45 and should be submitted on or before November 29, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–24252 Filed 11–7–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81999; File No. SR–Phlx–2017–85]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Price Improvement XL Auction

November 2, 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 October 26, 2017, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1080(n) related to Phlx's Price Improvement XL (''PIXL'') auction.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the PIXL rule at 1080(n) to: 1. Include a surrender provision; 2. update a reference to the NBBO to provide specificity to the rule; and 3. correct a typographical error, update a cross-reference and relocate rule text.

Surrender

The Exchange proposes to adopt a surrender provision within Rule 1080(n) for its PIXL auction similar to the surrender provision that is applicable to Nasdaq BX, Inc.'s (''BX'') surrender provision in the BX price improvement auction (''PRISM'') at Chapter VI, Section 9.

Current PIXL

By way of background, today, only one PIXL Auction may be conducted at a time in any given series. Once commenced, an Auction may not be cancelled and would proceed as described herein. To initiate the Auction, the Initiating Member must mark the PIXL Order for Auction processing, and specify either: (a) A single price at which it seeks to execute the PIXL Order (a ''stop price''); (b) that it is willing to automatically match as principal or as agent on behalf of an Initiating Order the price and size of all PIXL Auction Notifications (''PAN'') responses, and trading interest (''auto-match'') in which case the PIXL Order will be stopped at the better of the NBBO or the Reference BBO[3] on the Initiating Order side;[4] or (c) that it is willing to either: (i) Stop the entire order at a single stop price and auto-match PAN responses and trading interest at a price or prices that improve the stop price to a specified price (a ''No Worse Than'' or ''NWT'' price); (ii) stop the entire order at a single stop price and auto-match all PAN responses and trading interest at or better than the stop price; or (iii) stop the entire order at the better of the NBBO or Reference BBO on the Initiating Order side, and auto-match PAN responses and trading interest at a price or prices that improve the stop price up to the NWT price. In all cases, if the PBBO on the same side of the market as the PIXL Order represents a limit order on the book, the stop price must be at least one minimum price improvement increment better than the booked limit order's limit price. Once the Initiating Member has submitted a PIXL Order for processing as described herein, such PIXL Order may not be modified or cancelled.[5]

Proposed PIXL Amendment

At this time, the Exchange proposes to add a paragraph to Rule 1080(n)(ii)(A)(1) stating that, when starting an Auction, the Initiating Member may submit the Initiating Order with a designation of ''surrender'' to other PIXL participants (''Surrender''), which will result in the Initiating Member forfeiting priority and trade allocation privileges which he or she is otherwise entitled to as per subsection

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Reference BBO shall mean the internal best bid and offer on Phlx.

[4] This is accomplished by marking the Initiating Order with a market price.

[5] Under no circumstances will the Initiating Member receive an allocation percentage, at the final price point, of more than 50% with one competing quote, order or PAN response or 40% with multiple competing quotes, orders or PAN responses when competing quotes, orders or PAN responses have contracts available for execution.

(n)(ii)(E)(a) of Rule 1080(n).[6] If Surrender is specified the Initiating Order will only trade if there is not enough interest available to fully execute the PIXL Order at prices which are equal to or improve upon the stop price. Phlx will allow surrender only for the entire amount, not for a partial amount. Surrender will not be applied if both the Initiating Order and PIXL Order are Public Customer Orders.

The Surrender function will never result in more than the maximum allowable allocation percentage to the Initiating Participant than that which the Initiating Member would have otherwise received in accordance with the allocation procedures set forth in this Rule. Surrender information will not be available to other market participants and may not be modified. The proposed provisions are similar to surrender provisions on BX PRISM.[7]

Similarly, the Exchange proposes to add a new paragraph at Rule 1080(n)(ii)(A)(2) which provides a similar provision for Complex Orders.[8] The proposed provision would provide that when starting a PIXL Complex Order Auction, the Initiating Member may submit the Initiating Order with a designation of Surrender to the other PIXL participants which will result in the Initiating Member forfeiting the priority and trade allocation privileges which he is otherwise entitled to as per subsection (n)(ii)(E)(2)(d) of Rule 1080(n). If Surrender is specified the Initiating Order will only trade if there is not enough interest available to fully execute the PIXL Order at prices which are equal to or improve upon the stop price. Throughout the rule where allocation is specified a notation is added to account for any surrender, if applicable such as in 1080(n)(ii)(E)(2)(a) and (d).

NBBO Reference

The Exchange proposes to reword Rule 1080(n)(ii)(F) to add specificity to the current rule text. The Exchange proposes to state that ''If there are PAN responses (except if it is a Complex Order) that cross the better of the Reference BBO and NBBO (provided such NBBO is not crossed) or Complex Order PAN responses that cross the then-existing cPBBO at the time of the conclusion of the Auction, such PAN responses will be executed, if possible, at their limit price(s).'' In certain instances, a resting order or quote may be internally priced at a non-displayed price and would differ from the PBBO. The Internal BBO or ''Reference BBO'' would differ from the PBBO in a situation where the System prevents trade-throughs and locked and crossed markets. In these instances, interest will not be executed at a price that trades through another market or is displayed at a price that would lock or cross another market. If, at the time of entry, an order or quote would cause a locked or crossed market violation or would cause a trade-through violation, it will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) and displayed at one minimum price variance above (for offers) or below (for bids) the national best price. For this reason, the Exchange is proposing more precise rule text at Rule 1080(n)(ii)(F) to account for these situations where there is an automatic repricing in order to prevent trade-throughs and locked and crossed markets. The Exchange proposes to change the rule text to acknowledge that repricing would result in the better of the NBBO (or PBBO) or the Reference BBO.

Typographical Error, Clarifying Change, Cross Reference and Relocated Text

The Exchange proposes to correct a word in Rule 1080(n)(i)(C) from ''of'' to ''or'' to correct an unintentional typographical error. The Exchange also proposes to replace a reference to ''Rule 1080(n) at Commentary .07'' to ''Rule 1098'' to properly reference rule text related to Complex Orders at Rule 1080(n)(ii)(E)(2)(f). A reference to ''remaining'' shares as Rule 1080(n)(ii)(E)(2)(f) is also proposed to be amended to ''residual'' simply to conform to the language utilized in other parts of the rule. Finally, rule text related to PIXL ISO in Commentary .08 to Rule 1080(n) is being relocated within the rule to new 1080(n)(ii)(K) simply to add the text in an appropriate location within the rule. A space is also being added within the rule text that was inadvertently left out of a prior version.

Implementation

The Exchange proposes to implement this functionality before Q1 2018. Members will be notified of the deployment date by way of an Options Trader Alert.

Below is an example of the manner in which the Surrender feature would operate:

EXAMPLE (Related to Rule 1080(n)(ii)(A)(i) (Initiating Participant utilizing Surrender):

NBBO = .97 − 1.03

PHLX BBO = .95 − 1.03(60) with Market Maker A and Market Maker B offering 30 contracts each PIXL Order to buy 100 contracts stopped at 1.02 marked as 'Surrender' is received,

Auction begins,

During auction, Market Maker C responds to sell 5 at 1.01, Market Maker A responds to sell 5 contracts at 1.02, Market Maker B responds to sell 40 contracts at 1.02, and Market Maker D responds to sell 20 contracts at 1.02.

During auction, Market Maker A moves his quote and PHLX BBO becomes .95 − 1.02 for 5 contracts and NBBO becomes .97 − 1.02.

Auction ends, Market Maker C trades 5 at 1.01; Remaining Market Maker interest trades 70 contracts in a Pro-Rata fashion: Market Maker A executes 10 contracts with 5 being given to the Market Maker A response at 1.02 and 5 to the Market Maker A quote at 1.02; Market Maker B response executes 40 contracts at 1.02; Market Maker D response executes 20 contracts at 1.02. The PIXL Contra executes the remaining 25 contracts at 1.02. This is because the initiator will end up trading if not enough interest is there to satisfy the stop price.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by proposing a functionality which allows members more optionality to transact orders in the PIXL auction. The Exchange believes that the proposed feature will provide members with more flexibility, similar to functionality currently offered on BX. In addition the

[6] Depending on the option selected, the Initiating Member may elect in the single stop option selection to give up the allocation priority, if Surrender is selected, or with the auto-match option the Initiating Member will only be allocated the remainder in accordance with the allocation percentages specified in Rule 1080(n)(ii)(E)(2)(b). The Surrender feature only applies to the single stop price feature. By definition the purpose of the auto-match feature is that the Initiating Member is going to match all responses and seek a greater allocation. This language is at odds with the Surrender feature where the Initiating Member is not seeking allocation.

[7] *See* Chapter VI, Section 9(ii)(A)(i).

[8] Today, BOX Options Exchange LLC (''BOX'') utilizes a Surrender feature in its Complex Order Price Improvement Period or ''COPIP.'' *See also* BOX Rule 7245.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

Exchange proposes other amendments which add clarity to the rule text so that members will gain a greater understanding of the rule. Each proposal is discussed below.

Surrender

The Exchange believes that the Surrender feature is consistent with the Act because it promotes just and equitable principles of trade by allowing members who submit orders into the PIXL Auction to continue to be executed pursuant to a pre-determined set of rules which would allow members to forfeit priority and trade allocation privileges and only trade if there is not enough interest available to fully execute the PIXL Order at prices which are equal to or improve upon the stop price. Members are not required to elect this feature, but is would be available, as it is today on BX, if a member desired to utilize the Surrender feature. The new Surrender feature would provide the Initiator with flexibility, thereby increasing the likelihood that the Initiator would be inclined to commence more auctions.

The feature would only permit the member to surrender the entire amount, not a partial amount. Also, Surrender will not be applied if both the Initiating Order and PIXL Order (or PIXL Complex Order) are Public Customer Orders. The Surrender feature will not permit a member to have any control over an order. Further, the election to Surrender an order would be available prior to the submission of the order and therefore could not be utilized to gain influence or guide the execution of the PIXL Order or PIXL Complex Order. Initiating Members submitting PIXL Orders or PIXL Complex Orders will relinquish control of their PIXL Orders or PIXL Complex Orders upon transmission to the Exchange's System. Further, no Participant, including the Initiating Participant, will see a PAN response submitted into PIXL and therefore and will not be able to influence or guide the execution of their PIXL Orders or PIXL Complex Orders. The information provided with respect to the Surrender feature by the member will not be broadcast and further, the information may not be modified by the member during the auction.

NBBO Reference

The Exchange's proposal to amend Rule 1080(n)(ii)(F) to amend the current rule text for the addition of language to include the ''Reference BBO'' to clarify where the price is equal to or better than the NBBO or PBBO and the Reference BBO (internal market BBO), due to repricing for trade-throughs or locked and crossed markets, adds clarity and precision to the current rule text. The Exchange believes that these proposed amendments are consistent with the Act and do not otherwise create an impediment to a free and open market because today investors are subject to this repricing. Also, by reflecting the proper rule text to account for these order types the Exchange is providing members with additional information with which to anticipate the manner in which the Exchange's trading system reprices interest to prevent a trade-through or locked and crossed market.

Typographical Error, Clarifying Change, Cross Reference and Relocated Text

The Exchange's proposals to: (a) Correct a word in Rule 1080(n)(i)(C) from ''of'' to ''or''; (b) replace a reference to Rule 1080(n) at Commentary .07 to Rule 1098 to properly reference rule text related to Complex Orders at Rule 1080(n)(ii)(E)(2)(f); (c) change a reference to ''remaining'' shares as Rule 1080(n)(ii)(E)(2)(f) to ''residual''; and (d) relocate PIXL ISO in Commentary .08 to Rule 1080(n) to 1080(n)(ii)(K) are consistent with the Act because these amendments provide greater detail and clarity to the rule text.

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 competition among the options exchanges is vigorous and this proposal is intended to afford the Exchange the opportunity to compete for order flow by offering an auction mechanism with a surrender feature similar to that of other exchanges.[11]

With respect to intra-market competition, the auction will be available to all Phlx members. The Exchange's proposal to submit the Surrender amendment does not result in less competition, the PIXL mechanism should continue to encourage Phlx members to compete amongst each other by responding with their best price and size for a particular auction. The Exchange believes that the Initiator may be incentivized to initiate more PIXL auctions in light of the proposal. The Exchange's proposal is a competitive response to similar provisions in the price improvement auction rules of other options exchanges.[12] The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish more uniform price improvement auction rules on the various options exchanges. The Exchange anticipates that this auction proposal will allow Phlx to compete on equal footing with other options exchanges and for this reason the proposal does not create an undue burden on inter-market competition.

The Exchange's proposal to amend Rule 1080(n)(ii)(F) to amend the current rule text for the addition of language to include the ''Reference BBO'' to clarify where the price is equal to or better than the NBBO or PBBO and the Reference BBO (internal market BBO), due to repricing for trade-throughs or locked and crossed markets, adds clarity and precision to the current rule text. The proposed amendments would apply uniformly to all Phlx members that elect to enter orders into the PIXL auction. The Exchange believes that these proposed amendments are consistent with the Act and do not otherwise create an impediment to a free and open market because today investors are subject to this repricing.

The Exchange's proposals to: (a) Correct a word in Rule 1080(n)(i)(C) from ''of'' to ''or''; (b) replace a reference to Rule 1080(n) at Commentary .07 to Rule 1098 to properly reference rule text related to Complex Orders at Rule 1080(n)(ii)(E)(2)(f); (c) change a reference to ''remaining'' shares as Rule 1080(n)(ii)(E)(2)(f) to ''residual''; and (d) relocate PIXL ISO in Commentary .08 to Rule 1080(n) to 1080(n)(ii)(K) simply provide greater detail and clarity to the rule text.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become

[11] Today, BX offers a surrender feature. *See* BX Rule at Chapter VI, Section 9. The Chicago Board Options Exchange, Incorporated (''CBOE'') has a process whereby initiating participants may elect to receive last priority in an allocation. *See* CBOE Rule 6.74A(b)(3)(J), entitled Automated Improvement Mechanism (''AIM''). Finally, BOX utilizes a Surrender feature in its PIP and COPIP, similar to the proposed Phlx Surrender for simple and complex orders. The Exchange notes that BOX Initiators may forfeit less than the entire amount pursuant to the BOX rule. *See* BOX Rules 7150 and 7245. Phlx will allow surrender only for the entire amount, not for a partial amount.

[12] *Id.*

operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2017–85 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2017–85. 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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2017–85 and should be submitted on or before November 29, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–24253 Filed 11–7–17; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 200.30–3(a)(12).

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36153]

IHR Holdings, LLC—Acquisition Exemption—Santa Teresa Capital, LLC at Santa Teresa, Dona Ana County, N.M.

IHR Holdings, LLC (IHR), a Class III carrier,[1] has filed a verified notice of exemption [2] under 49 CFR 1150.41 to acquire from Santa Teresa Capital, LLC (STC), a noncarrier, approximately 4.13 miles of rail line at and near Santa Teresa Industrial Park, Santa Teresa, Dona Ana County, N.M., that extends from a point of connection to Union Pacific Railroad Company (UP) at or near milepost no. 1280 on UP's Lordsburg Subdivision to holding tracks adjacent to the industrial park and to three tracks that extend from the holding tracks into the industrial park that terminate at Strauss Road and at Industrial Drive (the Line). According to IHR, the Line does not have milepost numbers.

IHR states that its affiliate, Santa Teresa Southern Railroad, LLC (STSR), operates over a portion of the Line. *See Santa Teresa S. R.R.—Operation Exemption—Rail Line of Verde Logistics R.R. at Santa Teresa, Dona Ana Cty., N.M.,* FD 35599 (STB served Mar. 8, 2012).

According to IHR, it has reached an agreement with STC to acquire the Line. IHR states that the operator of the property will be STSR.

IHR certifies that, as a result of the proposed transaction, its projected annual revenues will not result in its becoming a Class I or Class II rail carrier and will not exceed $5 million. IHR also certifies that the proposed transaction does not involve any interchange commitments.

IHR states that the transaction will be consummated no sooner than the effective date of this notice. The earliest this transaction may be consummated is November 22, 2017 (30 days after the verified notice of exemption was filed).

According to IHR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic review under 49 CFR 1105.8(b).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than November 15, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36153, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604–1228.

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV.*''

Decided: November 2, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2017–24304 Filed 11–7–17; 8:45 am]

BILLING CODE 4915–01–P

[1] IHR's name has been changed from Mississippi Tennessee Holdings, LLC (MTH), to IHR. IHR is a Class III rail carrier as a result of MTH's acquisition of a rail line in *Mississippi Tennessee Holdings, LLC—Acquisition & Operation Exemption—Rail Line of Mississippi & Tennessee Railnet, Inc., between Houston, Miss., & Middleton, Tenn., in Chickasaw, Pontotoc, Union & Tippah Counties, Miss., & Hardeman County, Tenn.,* FD 34355 (STB served June 12, 2003).

[2] IHR filed its verified notice of exemption on October 23, 2017, and errata thereto on November 1, 2017.

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on December 8, 2017, in Annapolis, Maryland. Details concerning the matters to be addressed at the business meeting are contained in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting will be held on Friday, December 8, 2017, at 9 a.m.

ADDRESSES: The meeting will be held at the Loews Annapolis Hotel, Windmill Point Room (second floor of Powerhouse Building), 126 West St., Annapolis, MD 21401.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717–238–0423, ext. 1312.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Informational presentation of interest to the Lower Susquehanna Subbasin area; (2) resolution concerning FY2019 federal funding of the Groundwater and Streamflow Information Program; (3) resolution adopting amendments to Commission's By-laws; (4) ratification/approval of contracts/grants; (5) rulemaking action to codify in the Commission's regulations and strengthen the Commission's Access to Records Policy providing rules and procedures for the public to request and receive the Commission's public records; (6) report on delegated settlements; and (7) Regulatory Program projects.

The Regulatory Program projects and the final rulemaking were the subject of a public hearing conducted by the Commission on November 2, 2017, notice for which was published in 82 FR 46343, October 4, 2017, and 82 FR 47407, October 12, 2017, respectively.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects and the final rulemaking were subject to a deadline of November 13, 2017. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Such comments are due to the Commission on or before December 1, 2017. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: November 2, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–24240 Filed 11–7–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Unmanned Aircraft Systems Integration Pilot Program—Announcement of Establishment of Program and Request for Applications

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

ACTION: Notice of the establishment of the Unmanned Aircraft Systems (UAS) Integration Pilot Program and request for applications.

SUMMARY: Through the FAA, the DOT announces a new pilot program that encourages State, local, and tribal governments, in partnership with UAS operators and other private sector stakeholders, to conduct advanced operations safely and with public support in affected communities. State, local, and tribal governments, and any partnered stakeholders, with guidance from the FAA, will propose and define these operational concepts and determine how to manage them at the local level under the safety oversight role of the FAA. All organizations interested in applying or participating must follow the procedures set forth in the agency's Screening Information Request (SIR), which is described later in this document.

DATES: Interested State, local, or tribal governments must declare an intent to participate in the Program no later than November 28, 2017.

ADDRESSES: Interested governments may request FAA/UAS Program Portal (Portal) access via email to *9-AWA-UASIPP@faa.gov* as detailed in the SIR (SIR DTFAWA–18–R–00001) available at *http://faaco.faa.gov.*

FOR FURTHER INFORMATION CONTACT: For general Program questions, Mr. Earl Lawrence, Director, Unmanned Aircraft Systems Integration Office, 490 L'Enfant Plaza SW., Suite 7225, Washington, DC 20024, telephone (844) 359–6982, email *9-AWA-UASIPP@faa.gov;* or, for solicitation questions, Mr. Gavin Byrne, Manager, AAQ–220, Automation Contracts Branch, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (844) 359–6982, email *9-AWA-UASIPP@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Purpose and Objectives

The DOT announces a new pilot program that will accelerate existing UAS integration plans by working to solve technical, regulatory, and policy challenges, while enabling advanced UAS operations in select areas subject to ongoing safety oversight and cooperation between the Federal government and applicable State, local, or tribal jurisdictions. In a memorandum dated October 25, 2017, the President declared that it is the policy of the United States to promote the safe operation of UAS and enable the development of UAS technologies and their use in agriculture, commerce, emergency management, human transportation, and other sectors.[1] The President directed the Secretary to establish a pilot program under which State, local, and tribal governments can submit proposals to the Secretary to test and evaluate the integration of civil and public UAS operations into the low-altitude NAS. The Program announced in this document implements this national policy under the FAA's general authority to develop plans and policy for the use of the navigable airspace. 49 U.S.C. 40103(b).

Consistent with the Presidential Memorandum, the DOT has established four objectives for the Program: (1) To accelerate the safe integration of UAS into the NAS by testing and validating new concepts of beyond visual line of sight operations in a controlled environment, focusing on detect and avoid technologies, command and control links, navigation, weather and human factors; (2) to address ongoing concerns regarding the potential security and safety risks associated with UAS operating in close proximity to human beings and critical infrastructure by ensuring that operators communicate more effectively with Federal, State, local, and tribal law enforcement to enable law enforcement to determine if a UAS operation poses such a risk; (3) to promote innovation in and development of the United States unmanned aviation industry, especially in sectors such as agriculture, emergency management, inspection

[1] A link to the Presidential Memorandum can be found on the FAA's Web site *www.faa.gov/uas.*

services, and transportation safety, in which there are significant public benefits to be gained from the deployment of UAS; and (4) to identify the most effective models of balancing local and national interests in UAS integration.

We are looking for visionary participants to demonstrate effective ways to meet these Program objectives, which will help the DOT to achieve the broader national policy objective of full UAS integration and United States leadership in unmanned aviation and automated technology. Never losing sight that safety is our highest priority, we expect this program to provide valuable data to assist us in enabling the UAS industry to thrive and safely share the airspace.

Specifically, the Program will forge deep working relationships between the private sector and State, local, and tribal governments to conduct a variety of advanced operational testing under controlled criteria managed at a local level with FAA oversight. Applicants are expected to demonstrate advances in technological capabilities or operational concepts and means of communication with the public and law enforcement agencies. By ensuring safety through appropriate mitigations, the FAA intends to evaluate and approve advanced operations beyond those currently permitted today. The FAA will use the data provided by the Program to advance the overall state of the industry, including the development of enabling regulations that will increase other types of routine drone operations, such as: (1) Beyond line-of-sight flights—*e.g.,* for pipeline inspections in remote areas and search and rescue operations; (2) operations over human beings—such as newsgathering or public safety; and (3) package delivery, including the delivery of consumer goods and medical supplies. The operational experience gained through these partnerships will be used to enable the FAA to more quickly authorize operations that currently require special permission and will inform future policy development to help expand this burgeoning industry. The Program has a number of short- and long-term benefits for the participants, the DOT, and the public. Activities under the Program will:

- Accelerate the use and standardization of low-altitude UAS operations;
- provide immediate opportunities to accelerate commercial-use concepts of operations such as: Commerce, photography, emergency management, agricultural support, infrastructure inspections, package delivery, and others;
- identify and help resolve operational barriers to expanded UAS operations; and
- foster community participation to provoke meaningful dialogue on balancing local and national interests in UAS integration.

The DOT will use the data collected and experience gained over the course of this Program to:

- Identify and resolve technical challenges to UAS integration;
- address airspace use to safely and efficiently integrate all aircraft;
- inform operational standards and procedures to improve safety (*e.g.,* detect and avoid capabilities, navigation and altitude performance, and command and control link);
- inform FAA standards that reduce the need for waivers (*e.g.,* for operations over human beings, night operations, and beyond visual line of sight (BVLOS)); and
- address competing interests regarding UAS operational expansion, safety, security, roles and responsibilities of non-federal government entities, and privacy issues.

Program Overview

Any State, local, or tribal jurisdiction (as the Lead Applicant) is eligible to apply to participate in the Program. The jurisdiction may partner with one or more private sector stakeholders or other government agencies (such as law enforcement) to assist in carrying out its obligations under this Program. The success of the Program will depend on the mutually beneficial partnerships between UAS operators, including private sector operators, and the local jurisdictions where the projects will take place. Any project partnerships must be established prior to the Lead Applicant's completing its application.

The first step will be for interested State, local, or tribal governments to submit a notice of intent to participate. Private sector stakeholders that are interested in participating, as well as jurisdictions that have not identified a program partner, may submit a request to be added to an Interested Parties list which the FAA will publish on its Web site at *faaco.faa.gov.* Interested parties can use this list to help identify suitable partners. All jurisdictions that submit a notice of intent will receive an invitation to apply, but no jurisdiction may submit an application for participation without first submitting a notice of intent.

The DOT will evaluate all applications received in accordance with the SIR and select a minimum of five for participation. Once an application is selected, the Lead Applicant will enter into a Memorandum of Agreement (MOA) with the FAA. The MOA will establish the responsibilities of the parties, describe the concept of operations to be undertaken, establish any data sharing requirements, and assure that no Federal funds are available for Program participation. The MOAs will expire at the end of the Program unless the FAA terminates or extends them.

Examples of possible Program proposals:

- An agricultural State and several of its municipalities desiring to explore with stakeholders how UAS could be used to assist farmers in reducing costs (*e.g.,* checking crops for insects or disease, counting spring calves, or checking fences for damage without having to walk or drive along them—cost reductions would be identified in advance and measured).
- A State partnering with a UAS operator seeking to take advantage of the public benefits of, and the cost savings associated with, utilizing UAS for bridge inspections.
- A city working with a UAS operator to tap the novel capabilities of UAS to support critical government activities in emergency management planning and response, and also limiting UAS operations within designated altitudes within airspace over the jurisdiction and specifying maximum speed of flight over specified areas.
- To facilitate development and innovation of commercial UAS within the community, a city partnering with stakeholders to establish a dedicated drone-port or an asset in drone technology research designed to attract business.
- A county or multi-county industrial development authority wishing to position itself as a national destination for the development of a drone-operator workforce to support the emerging drone industry in the United States.
- A municipality interested in utilizing UAS for local emergency management, disaster response, or law enforcement operations.
- A city or county working with a UAS manufacturer and or a hard goods retailer to develop and test operational concepts for the delivery of goods via UAS to businesses and homes under various scenarios and conditions.

These examples are just a sampling of possible opportunities under this Program. The fundamental purpose of this Program is to provide an opportunity for stakeholders to identify and propose a broad spectrum of innovative and beneficial concepts of

operations, and models of local management, for UAS operations subject to FAA oversight. Accordingly, we look to Lead Applicants to submit applications showing us how their innovative technological and operational use cases can push the boundaries of what is possible today.

How To Apply

Notice of Intent. Any State, local, or tribal government seeking to participate in the Program must submit a notice of intent November 28, 2017, to apply. Eligible jurisdictions include State, local, or tribal transit agencies, port authorities, metropolitan planning organizations (MPOs), police departments, other political subdivisions of State or local governments, and multi-State or multi-jurisdictional groups applying through a single point of contact. The DOT encourages prospective applicants to work closely with all relevant State and local law enforcement agencies that would serve in the identified project areas and consider including them as project partners.

Prospective applicants may submit a notice of intent before establishing a project partnership. The DOT encourages jurisdictions to submit a notice of intent even if they are unsure of their commitment to participate because there are no penalties for this submission. Jurisdictions and private sector stakeholders also may submit a request to be added to an Interested Parties list. The FAA will publish this list on its Web site at *faaco.faa.gov* to facilitate the formation of partnerships between jurisdictions and private sector stakeholders. To provide the widest opportunity for participation in this Program, the DOT encourages jurisdictions and private sector stakeholders to submit a notice of interest as early as possible even if the entity is uncertain of its desire to participate.

Prospective applicants must submit a notice of intent by November 28, 2017, to be considered in this round of applications. The DOT has established a short deadline for notices of intent in view of the short timeframes in the Presidential Memorandum to begin integration of UAS under this Program. Instructions for this submission, which is a formatted email, are included in the SIR (SIR DTFAWA–18–R–00001) available at *http://faaco.faa.gov.* The DOT will not consider an application in this round unless the Lead Applicant has submitted a notice of intent within the applicable timeframe; however, the DOT will offer an opportunity for jurisdictions to submit notices of intent in a subsequent round as resources allow.

The DOT will invite each eligible applicant that submitted a notice of intent to submit an application to participate through the FAA/UAS Program Portal (with a username and password). Any project partnerships must be formalized and documented before an application is finalized and submitted to the FAA.

Application Submission. As detailed in the SIR, the FAA/UAS Program Portal will be open for submissions through January 4, 2018. An application would include, for example, the following information:

1. Identification of the airspace to be used, including shape files and altitudes;
2. description of the types of planned operations;
3. identification of stakeholder partners to test and evaluate planned operations;
4. identification of available infrastructure to support planned operations;
5. description of experience with UAS operations and regulations;
6. description of existing UAS operator and any other stakeholder partnerships and experience;
7. description of plans to address safety, security, competition, privacy concerns and community outreach.

The applicant may request reasonable time, place and manner limitations [2] on low-altitude UAS operations within its jurisdiction to facilitate the proposed development and testing of new and innovative UAS concepts of operations in addition to other selection criteria. The FAA will require jurisdictions to ensure that any time, place and manner limitations, including those adopted through means such as legislation or regulation, include self-implementing provisions that automatically terminate those restrictions upon the termination of the MOA. Monitoring and enforcement of any limitations enacted pursuant to this pilot project would be the responsibility of the jurisdiction, but the FAA retains the authority to enforce Federal law.

The DOT may select among complete applications on a rolling basis and may exclude from consideration any incomplete applications. Once a proposal is selected, within five days, the Lead Applicant must be prepared to enter into a MOA with the FAA governing the terms of its participation in the Program. After the first five applicants have entered into MOAs, the DOT will continue to evaluate proposals as resources permit.

II. Selection Criteria

In making determinations, the DOT will evaluate whether applications meet or exceed the following criteria contained in the Presidential Memorandum:

1. Overall economic, geographic, and climatic diversity of the selected jurisdictions;
2. overall diversity of the proposed models of government involvement;
3. overall diversity of the UAS operations to be conducted;
4. the location of critical infrastructure;
5. the involvement of commercial entities in the proposal and their ability to advance objectives that may serve the public interest as a result of further integration of UAS into the NAS;
6. the involvement of affected communities in, and their support for, participating in the Program;
7. the commitment of the governments and UAS operators involved in the proposal to comply with requirements related to national defense, homeland security, and public safety and to address competition, privacy and civil liberties concerns; and
8. the commitment of the governments and UAS operators involved in the proposal to achieve the following policy objectives:

a. Promoting innovation and economic development;

b. enhancing transportation safety;

c. enhancing workplace safety;

d. improving emergency response and search and rescue functions; and

e. using radio spectrum efficiently and competitively.

Lead Applicants are encouraged to identify which of the above criteria and agency objectives they meet and how.

III. Memorandum of Agreement

Once selected, a Lead Applicant would become a Lead Participant. Lead Participants would be required to enter into a Memorandum of Agreement (MOA) pursuant to the FAA's authority

[2] Examples of reasonable time limitations may include prohibiting flight during specified morning and evening rush hours or only permitting flight during specified hours such as daylight hours, sufficient to ensure reasonable airspace access. Reasonable place limitations may include designated take-off and landing zones, limiting operations over moving locations or fixed site public road and parks, sidewalks or private property based on zoning density, or other land use considerations. Reasonable manner limitations may include requiring notice to public safety or zoning/land use authorities prior to operating, limiting UAS operations within designated altitudes within airspace over the jurisdiction; specifying maximum speed of flight over specified areas; prohibiting operations in connection with community or sporting events that do not remain in one place (*e.g.,* parades, running events); or mandating equipage.

under 49 U.S.C. 106(l)(6). The MOA would establish the terms of participation in the Program and would identify the respective rights and responsibilities of both the FAA and the Lead Participant. A sample MOA can be found at *faaco.faa.gov.* The FAA expects to negotiate MOAs tailored to the specifics of each Lead Participant's proposal.

The Lead Participant will establish a process to meaningfully and effectively notify the local community about and garner its support for the proposed operations and any related limitations on UAS operations within the local airspace. The Lead Participant will, at a minimum, place this information on a publicly accessible Web site, which will be referenced on the FAA Web site at *www.faa.gov.*

Lead Participants will engage in periodic exchanges with the FAA relating to the purposes of the project, including discussing and sharing the results of and experiences with the expanded UAS capability. Lead Participants will adhere to privacy policies specified in the MOA. Each Lead Participant will bear its own costs; no Federal Government funds will be provided through the MOA.

Upon signing, the MOA will not include the transfer of any authority for airspace management or access. However, a purpose of the Program is to explore concepts for shared Federal/State/local management of the NAS. Any approval of airspace use will be handled in accordance with existing procedures.

The Lead Participant will share data with the FAA resulting from its development and testing of the concepts of operations consistent with the terms of the MOA. Such data will enable the FAA to study the effects of UAS integration into the NAS. In the case where the Lead Participant has established a time, place, or manner limitation on low-altitude UAS operations, data collected would support the FAA's efforts to assess the relative effectiveness of various technologies and operational aspects of the safe integration of UAS into the NAS, as well as the economic benefits provided by the UAS operations.

The FAA will provide a means for the Lead Participant and stakeholder partners to submit confidential or proprietary data concerning their operations. However, any operational data and general experience obtained through the partnerships will be available to the public.

The FAA may terminate the MOA for any reason. The Lead Participant may terminate the MOA, subject to meaningful and effective notice to the affected community or population.

Issued in Washington, DC, on November 1, 2017.

Daniel K. Elwell,

Deputy Administrator.

[FR Doc. 2017–24126 Filed 11–2–17; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–90]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before November 20, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–1053 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: Deana Stedman, AIR–673, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *deana.stedman@faa.gov,* phone (425) 227–2148; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on November 2, 2017.

Victor Wicklund,

Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2017–1053.

Petitioner: Airbus.

Section of 14 CFR Affected: § 25.981(a)(3).

Description of Relief Sought: Airbus requests relief from 14 CFR 25.981(a)(3) for a period of 18 months to allow incorporation of a design change for A350–900 airplane models. The design change is a software upgrade to enhance the standard of the hydraulic engine driven pump, in production and retrofit.

[FR Doc. 2017–24268 Filed 11–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Aviation Insurance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of

Management and Budget (OMB) approval to renew an information collection. The collection involves obtaining basic information from new aviation insurance applicants about eligible aviation insurance applicants needed to establish a legally binding, non-premium insurance policy with the FAA, as requested by another Federal agency, such as the applicants name and address. The information collected will be used to determine whether applicants are eligible for Chapter 443 insurance and the amount of coverage necessary; and to populate non-premium insurance policies with the legal name and address of the applicant.

DATES: Written comments should be submitted by January 8, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0514.

Title: Aviation Insurance.

Form Numbers: 2120–0514.

Type of Review: Renewal of an information collection.

Background: Title 49 U.S.C. 44305 authorizes the Administrator of the Federal Aviation Administration, acting pursuant to a delegation of authority from the Secretary of Transportation, to provide aviation insurance at the request of another Federal agency, without premium, provided that the head of the Federal agency agrees to indemnify the FAA from loss.

The FAA Non-Premium Aviation War Risk Insurance Program offers war risk coverage, without premium, to air carriers at the request of DoD and other Federal agencies. DoD and other Federal agencies rely on the FAA to provide aviation war risk insurance to contracted air carriers supporting mission objectives and operations that is not available commercially on reasonable terms and conditions. Air carriers never insured under the FAA Non-Premium War Risk Insurance Program must submit an application before the FAA can provide coverage.

Respondents: FAA estimates only one air carrier will be required to apply annually.

Frequency: One time only.

Estimated Average Burden per Response: 4 hours.

Estimated Total Annual Burden: 4 hours.

Issued in Fort Worth, TX, on November 2, 2017.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2017–24331 Filed 11–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Air Taxi and Commercial Operator Airport Activity Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves requesting that small on-demand operators voluntarily provide the number of revenue passengers that boarded their aircraft at each airport annually. This information is used in determining an airport's category and eligibility for federal funding on an annual basis. It is not available through any other federal data source.

DATES: Written comments should be submitted by January 8, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0067.

Title: Air Taxi and Commercial Operator Airport Activity Survey.

Form Numbers: FAA Form 1800–31.

Type of Review: Clearance of a renewal of an information collection.

Background: The data collected through this survey is the only source of data for charter and nonscheduled passenger data by Part 135 operator (air taxis). The data received on the form (either paper or signed electronic copy) is then incorporated into the Air Carrier Activity Information System which is used to determine whether an airport is eligible for Airport Improvement Program funds and for calculating primary airport sponsor apportionment as specified by title 49 United Stated Code (U.S.C.), section 47114. The data collected on the form includes passenger enplanements by carrier and by airport. Passengers traveling on air taxis would be overlooked entirely if this passenger survey were not conducted. As a result, many airports would not receive their fair share of funds since there is currently no other source for this type of charter activity. In each of the last 3 years, approximately 150 operators have reported a total 1.2 million passengers. This data is important to those airports that struggle to meet the 2,500 and 10,000 passenger levels and could not do so without the reporting of the charter passengers.

Respondents: The voluntary survey is sent through the U.S. Postal Service to approximately 300 small on-demand operators (certificated under Federal Aviation Regulation Part 135) that have reported activity in the last three years. The form is also available on the FAA Web site.

Frequency: Annually.

Estimated Average Burden per Response: 1.5 hours per respondent.

Estimated Total Annual Burden: On average, approximately 150 respondents submit an annual response. The cumulative total annual burden is estimated to be 225 hours.

Issued in Fort Worth, TX, on November 2, 2017.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2017–24332 Filed 11–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the OCC, the Board, and the FDIC (the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, has approved the agencies' publication for public comment of a proposal to revise the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets Less Than $1 Billion (FFIEC 051), the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only (FFIEC 041), and the Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (FFIEC 031), which are currently approved collections of information. The Consolidated Reports of Condition and Income are commonly referred to as the Call Report.

The proposed revisions to the FFIEC 051, FFIEC 041, and FFIEC 031 Call Reports would result in an overall reduction in burden. In particular, the proposed revisions would delete or consolidate a number of items and add a new or raise certain existing reporting thresholds. The proposed revisions would take effect as of the June 30, 2018, report date. At the end of the comment period for this notice, the comments and recommendations received will be reviewed to determine whether the FFIEC and the agencies should modify the proposed revisions to the FFIEC 051, FFIEC 041, and FFIEC 031 prior to giving final approval. As required by the PRA, the agencies will then publish a second **Federal Register** notice for a 30-day comment period and submit the final FFIEC 051, FFIEC 041, and FFIEC 031 to OMB for review and approval.

DATES: Comments must be submitted on or before January 8, 2018.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: You may submit comments, which should refer to ''FFIEC 031, FFIEC 041, and FFIEC 051,'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@occ.treas.gov.*
- *Fax:* (571) 465–4326.
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Washington, DC 20219.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Board: You may submit comments, which should refer to ''FFIEC 031, FFIEC 041, and FFIEC 051,'' by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow 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 reporting form numbers in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street NW. (between 18th and 19th Streets NW.), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, which should refer to ''FFIEC 031, FFIEC 041, and FFIEC 051,'' by any of the following methods:

- *Agency Web site: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC's Web site.
- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''FFIEC 031, FFIEC 041, and FFIEC 051'' in the subject line of the message.
- *Mail:* Manuel E. Cabeza, Counsel, Attn: Comments, Room MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *https://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202)

395–6974; or by email to *oira_submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: For further information about the proposed revisions to the Call Report discussed in this notice, please contact any of the agency staff whose names appear below. In addition, copies of the Call Report forms can be obtained at the FFIEC's Web site (*https://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Kevin Korzeniewski, Counsel, (202) 649–5490, or for persons who are deaf or hard of hearing, TTY, (202) 649–5597.

Board: Nuha Elmaghrabi, Federal Reserve Board Clearance Officer, (202) 452–3884, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Manuel E. Cabeza, Counsel, (202) 898–3767, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The agencies propose revisions to data items reported on the FFIEC 051, FFIEC 041, and FFIEC 031 Call Reports.

Report Title: Consolidated Reports of Condition and Income (Call Report).

Form Numbers: FFIEC 051 (for eligible small institutions), FFIEC 041 (for banks and savings associations with domestic offices only), and FFIEC 031 (for banks and savings associations with domestic and foreign offices).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC

OMB Control No.: 1557–0081.

Estimated Number of Respondents: 1,307 national banks and federal savings associations.

Estimated Average Burden per Response: 46.05 burden hours per quarter to file.

Estimated Total Annual Burden: 240,749 burden hours to file.

Board

OMB Control No.: 7100–0036.

Estimated Number of Respondents: 822 state member banks.

Estimated Average Burden per Response: 50.16 burden hours per quarter to file.

Estimated Total Annual Burden: 164,926 burden hours to file.

FDIC

OMB Control No.: 3064–0052.

Estimated Number of Respondents: 3,710 insured state nonmember banks and state savings associations.

Estimated Average Burden per Response: 44.14 burden hours per quarter to file.

Estimated Total Annual Burden: 655,038 burden hours to file.

The proposed burden-reducing revisions are the result of an ongoing effort by the agencies to reduce the burden associated with the preparation and filing of Call Reports and, as detailed in Appendices B, C, and D, achieve burden reductions by the removal or consolidation of numerous items, and the raising of certain reporting thresholds.

The estimated average burden hours, which reflect an overall reduction, collectively reflect the estimates for the FFIEC 051, the FFIEC 041, and the FFIEC 031 reports for each agency. When the estimates are calculated by type of report across the agencies, the estimated average burden hours per quarter are 38.15 (FFIEC 051), 54.89 (FFIEC 041), and 122.50 (FFIEC 031). The estimated burden per response for the quarterly filings of the Call Report is an average that varies by agency because of differences in the composition of the institutions under each agency's supervision (*e.g.,* size distribution of institutions, types of activities in which they are engaged, and existence of foreign offices).

Type of Review: Revision of currently approved collections.

General Description of Reports

These information collections are mandatory pursuant to 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (for federal and state savings associations). At present, except for selected data items and text, these information collections are not given confidential treatment.

Abstract

Institutions submit Call Report data to the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of individual institutions and the industry as a whole. Call Report data serve a regulatory or public policy purpose by assisting the agencies in fulfilling their missions of ensuring the safety and soundness of financial institutions and the financial system and the protection of consumer financial rights, as well as agency-specific missions affecting federally and state-chartered institutions, *e.g.,* monetary policy, financial stability, and deposit insurance. Call Reports are the source of the most current statistical data available for identifying areas of focus for on-site and off-site examinations. The agencies use Call Report data in evaluating institutions' corporate applications, including, in particular, interstate merger and acquisition applications for which, as required by law, the agencies must determine whether the resulting institution would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States. Call Report data also are used to calculate institutions' deposit insurance and Financing Corporation assessments and national banks' and federal savings associations' semiannual assessment fees.

Current Actions

I. Introduction

As part of an initiative launched by the FFIEC in December 2014 to identify potential opportunities to reduce burden associated with Call Report requirements for community banks, the FFIEC and the agencies have taken several actions, including: (1) The finalization in mid-2016 of a number of burden-reducing changes and other revisions to the Call Report that were implemented in September 2016 and March 2017; (2) outreach to institutions to obtain a better understanding of significant sources of reporting burden in their Call Report preparation processes; (3) the creation of a new streamlined FFIEC 051 Call Report for eligible small institutions [1] that took effect as of the March 31, 2017, report date; and (4) the publication for comment in June 2017 of additional proposed burden-reducing Call Report changes, as well as proposed Call Report revisions that address the definition of ''past due'' for regulatory reporting purposes and changes in the accounting for equity investments, all of which have a proposed March 31, 2018, effective date.[2]

As another key part of the FFIEC's Call Report burden-reduction initiative for community banks, in 2015 the agencies accelerated the start of the next statutorily mandated review of the existing Call Report data items (Full

[1] Generally, institutions with domestic offices only and total assets less than $1 billion.

[2] *See* 80 FR 56539 (September 18, 2015), 81 FR 45357 (July 13, 2016), 81 FR 54190 (August 15, 2016) (referred to hereafter as the ''August 2016 Call Report proposal''), 82 FR 2444 (January 9, 2017), and 82 FR 29147 (June 27, 2017) (referred to hereafter as the ''June 2017 Call Report proposal'') for further information on the actions taken under this initiative.

Review),[3] which otherwise would not have commenced until 2017. After completing this review, the agencies are required to ''reduce or eliminate any requirement to file information or schedules . . . (other than information or schedules that are otherwise required by law)'' if the agencies determine that ''the continued collection of such information or schedules is no longer necessary or appropriate.'' [4] To provide a foundation for the Full Review, users of Call Report data items, who are internal staff at the FFIEC member entities, participated in a series of nine surveys conducted over a 19-month period that began in mid-July 2015 and ended in mid-February 2017. As an integral part of these surveys, users were asked to fully explain the need for each Call Report data item they deem essential, how the data item is used, the frequency with which it is needed, and the population of institutions from which it is needed. Call Report schedules were placed into nine groups and prioritized for review, generally based on the level of burden cited by banking industry representatives. Based on the results of the user surveys and consistent with the statutory requirements governing the Full Review, the agencies have been identifying data items to be considered for removal, less frequent collection, and new or revised reporting thresholds to reduce burden.

Based on the results of the third and final portion of the user surveys and other information, the agencies are proposing various burden-reducing changes in this proposal. The schedules reviewed in the final portion of the user surveys primarily include schedules that collect data on complex or specialized activities. A summary of the FFIEC member entities' uses of the data items retained in the Call Report schedules covered by this portion of the user surveys is included in Appendix A.[5] Several of these schedules were not included in the new FFIEC 051 when it was created. Therefore, revisions proposed in this notice more significantly affect schedules and data items in the FFIEC 041 and FFIEC 031.

In addition, as a framework for the actions it is undertaking, the FFIEC developed a set of guiding principles for use in evaluating potential additions and deletions of Call Report data items and other revisions to the Call Report. In general, data items collected in the Call Report must meet three guiding principles: (1) The data items serve a long-term regulatory or public policy purpose by assisting the FFIEC member entities in fulfilling their missions of ensuring the safety and soundness of financial institutions and the financial system and the protection of consumer financial rights, as well as agency-specific missions affecting federally and state-chartered institutions; (2) the data items to be collected maximize practical utility and minimize, to the extent practicable and appropriate, burden on financial institutions; and (3) equivalent data items are not readily available through other means.

II. General Discussion of Proposed Call Report Revisions

As discussed above, the Call Report schedules have been reviewed as part of the Full Review, conducted through a series of nine user surveys. The results of the final portion of the surveys were evaluated in the development of this proposal. In addition, the results of certain surveys were re-evaluated and further burden-reducing changes were incorporated into this proposal. In developing this proposal, the agencies were cognizant of the comments and feedback received from the industry, over the course of this FFIEC initiative, requesting that the agencies provide relief from the burden of preparing Call Reports. The proposed revisions to the FFIEC 051, FFIEC 041, and FFIEC 031 are discussed in Sections III.A, III.B, and III.C, respectively.

The schedules reviewed in the portion of the user surveys evaluated in the development of this proposal include:

- Schedule RI–A—Changes in Bank Equity Capital
- Schedule RI–C—Disaggregated Data on the Allowance for Loan and Lease Losses [FFIEC 031 and FFIEC 041 only]
- Schedule RC–A—Cash and Balances Due from Depository Institutions
- Schedule RC–F—Other Assets
- Schedule RC–G—Other Liabilities
- Schedule RC–H—Selected Balance Sheet Items for Domestic Offices [FFIEC 031 only]
- Schedule RC–I—Assets and Liabilities of IBFs [FFIEC 031 only]
- Schedule RC–P—1–4 Family Residential Mortgage Banking Activities (in Domestic Offices) [FFIEC 031 and FFIEC 041 only]
- Schedule RC–Q—Assets and Liabilities Measured at Fair Value on a Recurring Basis [FFIEC 031 and FFIEC 041 only]
- Schedule RC–S—Servicing, Securitization, and Asset Sale Activities [FFIEC 031 and FFIEC 041 only]
- Schedule RC–T—Fiduciary and Related Services
- Schedule RC–V—Variable Interest Entities [FFIEC 031 and FFIEC 041 only]

The schedules re-evaluated in the development of this proposal include:

- Schedule RC–B—Securities
- Schedule RC–N—Past Due and Nonaccrual Loans, Leases, and Other Assets
- Schedule SU—Supplemental Information [FFIEC 051 only]

Table 1 summarizes the changes already finalized and implemented as part of the FFIEC's community bank Call Report burden-reduction initiative.

TABLE 1—DATA ITEMS REVISED AS OF MARCH 31, 2017

Finalized call report revisions	051	041	031
Items Removed, Net *	967	60	68
Change in Item Frequency to Semiannual	96	.....	.....
Change in Item Frequency to Annual	10	.....	.....
Items with a New or Increased Reporting Threshold	.....	7	13

* ''Items Removed, Net'' reflects the effects of consolidating existing items, adding control totals, and, for the FFIEC 051, relocating individual items from other schedules to Schedule SU, some of which were consolidated in Schedule SU. In addition, included in this number for the FFIEC 051, approximately 300 items were items that institutions with less than $1 billion in total assets were exempt from reporting due to existing reporting thresholds in the FFIEC 041.

[3] This review is mandated by section 604 of the Financial Services Regulatory Relief Act of 2006 (12 U.S.C. 1817(a)(11)).

[4] 12 U.S.C. 1817(a)(11)(B).

[5] A summary of the FFIEC member entities' uses of the data items retained in the Call Report schedules covered by the first and second portions of the agencies' user surveys are included in Appendix A of the agencies' Federal Register notices published on January 9, 2017 (82 FR 2444) and June 27, 2017 (82 FR 29147), respectively.

Table 2 summarizes the proposed burden-reducing revisions to data items included in the June 2017 Call Report proposal that would take effect March 31, 2018.

TABLE 2—PROPOSED DATA REVISIONS IN JUNE 2017

Proposed call report revisions	051	041	031
Items Proposed to be Removed, Net*	54	106	86
Proposed Change in Item Frequency to Semiannual	17	31	31
Proposed Change in Item Frequency to Annual	26	3	3
Items with a Proposed New or Increased Reporting Threshold	26	106	178

* ''Items Proposed to be Removed, Net'' reflects the effects of consolidating existing items and relocating individual items to other schedules.

Table 3 summarizes the additional proposed burden-reducing revisions to data items included in this notice. The proposed revisions are discussed in Section III. Detail for each affected data item is shown in Appendix B (FFIEC 051), Appendix C (FFIEC 041), and Appendix D (FFIEC 031).

TABLE 3—PROPOSED DATA REVISIONS IN THIS NOTICE

Proposed call report revisions	051	041	031
Items Proposed to be Removed, Net*	15	184	134
Items with a Proposed New or Increased Reporting Threshold	29	181	213

* ''Items Proposed to be Removed, Net'' reflects the effects of consolidating existing items and relocating individual items to other schedules.

The Call Report revisions that are the subject of this proposal would take effect June 30, 2018. Additional information on timing of the proposed revisions is provided in Section IV.

III. Detail of Specific Proposed Call Report Revisions

A. Revisions to the FFIEC 051

Schedule RC–A

The agencies propose to remove Schedule RC–A, Cash and Balances Due from Depository Institutions, in its entirety from the FFIEC 051. This schedule is currently completed by institutions with $300 million or more in total assets. The agencies no longer need the current level of detail provided by the existing items in Schedule RC–A from the smaller institutions eligible to file this version of the Call Report who are required to complete this schedule, as sufficient information on cash and due from balances is provided for these institutions in Schedule RC, items 1.a and 1.b.

Schedule RC–B

With respect to Schedule RC–B of the FFIEC 051, the agencies propose to consolidate the reporting of an institution's holdings of those residential mortgage pass-through securities that are currently reported in items 4.a.(1) for those guaranteed by the Government National Mortgage Association (GNMA) and 4.a.(2) for those issued by the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC) into a single item 4.a.(1). Existing item 4.a.(3) for other residential mortgage pass-through securities would be renumbered as item 4.a.(2). The agencies no longer need the current level of detail for these holdings from the smaller institutions eligible to file this version of the Call Report.

Schedule RC–F

With respect to Schedule RC–F of the FFIEC 051, the agencies propose to consolidate the reporting of an institution's interest-only strips receivable, which are currently reported in items 3.a for those on mortgage loans and 3.b for those on other financial assets, into a single item 3. The agencies no longer need the current level of detail for these holdings in the Call Report.

In addition, the agencies propose to remove the preprinted caption for retained interests in accrued interest receivable related to securitized credit cards (item 6.d) as few institutions report having this component of other assets in an amount in excess of the existing reporting threshold for disclosing this component.[6] Items 6.e through 6.k would be renumbered as items 6.d through 6.j.

Schedule RC–T

With respect to Schedule RC–T of the FFIEC 051, the agencies propose to increase the reporting threshold for reporting the components of fiduciary and related services income. For institutions with total fiduciary assets greater than $100 million but less than or equal to $250 million that do not meet the fiduciary income test for quarterly reporting,[7] the agencies propose to no longer require the reporting of items 14 through 26. There would be no change to the reporting requirements applicable to items 14 through 26 for all other institutions. The agencies no longer need the current level of detail on fiduciary and related services income from institutions with less than $250 million in total fiduciary assets that do not meet the fiduciary income test.

In addition, the agencies propose to add a reporting threshold for reporting the number and market value of collective investment funds and common trust funds by type of fund in Memorandum items 3.a through 3.g. For institutions at which these funds have a total market value of less than $1 billion (as of the preceding December 31), the agencies propose to no longer require the reporting of Memorandum items 3.a through 3.g. Such institutions would report only the total number and market value of their collective investment funds and common trust funds in Memorandum item 3.h. Institutions at which the total market value of their

[6] If this preprinted caption were removed and an institution has retained interests in accrued interest receivable related to securitized credit cards in an amount in excess of the reporting threshold, the institution would itemize and describe this component in one of the subitems of item 6 without a preprinted caption.

[7] An institution does not meet the fiduciary income test if its gross fiduciary and related services income was less than or equal to 10 percent of revenue (net interest income plus noninterest income) for the preceding calendar year.

collective investment funds and common trust funds is $1 billion or more would continue to report Memorandum items 3.a through 3.h. The agencies no longer need the current level of detail on collective investment funds and common trust funds in the Call Report from institutions at which the total market value of these funds is less than $1 billion.

Schedule SU

With respect to Schedule SU of the FFIEC 051, the agencies propose to remove item 8.e on the amount of outstanding credit card fees and finance charges included in credit card receivables sold and securitized with servicing retained or with recourse or other seller-provided credit enhancements, which is currently applicable to eligible small institutions that specialize in credit card lending. The agencies no longer need this information from these smaller credit card lending institutions.

B. Revisions to the FFIEC 041

Schedule RC–A

With respect to Schedule RC–A of the FFIEC 041, the agencies propose to consolidate the reporting of an institution's balances due from depository institutions in the United States, which are currently reported in items 2.a for balances due from U.S. branches and agencies of foreign banks and 2.b for balances due from other commercial banks and other depository institutions in the United States, into a single item 2. In addition, the agencies propose to consolidate the reporting of an institution's balances due from banks in foreign countries and foreign central banks, which are currently reported in items 3.a for balances due from foreign branches of other U.S. banks and 3.b for balances due from banks in foreign countries and foreign central banks, into a single item 3. The agencies no longer need the current level of detail for these balances in the Call Report.

Schedule RC–F

With respect to Schedule RC–F of the FFIEC 041, the agencies propose to consolidate the reporting of an institution's interest-only strips receivable, which are currently reported in items 3.a for those on mortgage loans and 3.b for those on other financial assets, into a single item 3. The agencies no longer need the current level of detail for these holdings in the Call Report.

In addition, the agencies propose to remove the preprinted caption for retained interests in accrued interest receivable related to securitized credit cards (item 6.d) as few institutions report having this component of other assets in an amount in excess of the existing reporting threshold for disclosing this component.[8] Items 6.e through 6.k would be renumbered as items 6.d through 6.j.

Schedule RC–N

With respect to Schedule RC–N of the FFIEC 041, the agencies propose to remove the data items for reporting the past due and nonaccrual status of the fair value and unpaid principal balance of held-for-investment loans measured at fair value, which are currently reported in Memorandum items 5.b.(1) and 5.b.(2), columns A through C. The agencies no longer need this current level of detail in the Call Report. The agencies would renumber Memorandum item 5.a, ''Loans and leases held for sale,'' as Memorandum item 5 for columns A through C.

Schedule RC–P

With respect to Schedule RC–P of the FFIEC 041, the agencies propose to modify the reporting criteria for this schedule by removing the current $1 billion asset-size threshold and applying only the existing activity-based threshold to all institutions, regardless of size. As proposed, Schedule RC–P would be completed by institutions where any of the following residential mortgage banking activities exceeds $10 million for two consecutive quarters:

- Closed-end and open-end first lien and junior lien 1–4 family residential mortgage loan originations and purchases for resale from all sources during a calendar quarter; or
- Closed-end and open-end first lien and junior lien 1–4 family residential mortgage loan sales during a calendar quarter; or
- Closed-end and open-end first lien and junior lien 1–4 family residential mortgage loans held for sale or trading at calendar quarter-end.

The agencies believe an activity-based threshold alone is more appropriate than an asset-size threshold for determining which institutions should file this schedule.

The agencies also propose to consolidate the 1–4 family residential mortgage banking activity detail collected in this schedule for closed-end loans and commitments under open-end loans for retail originations (item 1), wholesale originations and purchases (item 2), mortgage loans sold (item 3), mortgage loans held for sale or trading (item 4), and repurchases and indemnifications of mortgage loans (item 6). Specifically, items 1.a, 1.b, and 1.c.(1) would be combined into new item 1; items 2.a, 2.b, and 2.c.(1) would be combined into new item 2; items 3.a, 3.b, and 3.c.(1) would be combined into new item 3; items 4.a, 4.b, and 4.c.(1) would be combined into new item 4; and items 6.a, 6.b, and 6.c.(1) would be combined into new item 6. The agencies also propose to consolidate noninterest income from the sale, securitization, and servicing of closed-end and open-end 1–4 family residential mortgage loans currently reported in items 5.a and 5.b into a new item 5. In addition, the agencies propose to remove detail on the principal amount funded for open-end loans extended under lines of credit for each of the above listed categories currently reported in items 1.c.(2), 2.c.(2), 3.c.(2), 4.c.(2), and 6.c.(2). The agencies are proposing these changes because they no longer need the current level of detail on 1–4 family residential mortgage banking activities in the Call Report.

Schedule RC–Q

With respect to Schedule RC–Q of the FFIEC 041, the agencies propose to modify the reporting criteria for this schedule by applying only an activity threshold and not an asset-size threshold, which currently is $500 million. As proposed, Schedule RC–Q would be completed only by institutions that (1) have elected to report financial instruments or servicing assets and liabilities at fair value under a fair value option with changes in fair value recognized in earnings, or (2) are required to complete Schedule RC–D, Trading Assets and Liabilities. Institutions that do not meet either of these criteria would no longer need to complete this schedule, regardless of asset size. The agencies believe the activity thresholds are more appropriate than the existing simple asset-size threshold for determining which institutions must complete this schedule.

For loans held for investment and held for sale measured at fair value under a fair value option, the agencies also propose to consolidate the detail on the fair value and the unpaid principal balance of such loans currently collected in Memorandum items 3 and 4 of this schedule. For fair value option loans secured by 1–4 family residential properties, detail on revolving, open-end loans secured by 1–4 family

[8] If this preprinted caption were removed and an institution has retained interests in accrued interest receivable related to securitized credit cards in an amount in excess of the reporting threshold, the institution would itemize and describe this component in one of the subitems of item 6 without a preprinted caption.

residential properties and extended under lines of credit; closed-end loans secured by first liens on 1–4 family residential properties; and closed-end loans secured by junior liens on 1–4 family residential properties would be consolidated into a single category. For fair value option loans secured by real estate other than 1–4 family residential properties, detail on construction, land development, and other land loans; loans secured by farmland; loans secured by multifamily (5 or more) residential properties; and loans secured by nonfarm nonresidential properties also would be consolidated into a single category. For fair value option consumer loans, detail on credit cards, other revolving credit plans, automobile loans, and other consumer loans would be consolidated into a single category. Specifically, existing Memorandum items 3.a.(3)(a), 3.a.(3)(b)(1), and 3.a.(3)(b)(2) would be consolidated into new Memorandum item 3.a.(1) for the fair value of loans secured by 1–4 family residential properties measured at fair value, while existing Memorandum items 3.a.(1), 3.a.(2), 3.a.(4), and 3.a.(5) would be consolidated into new Memorandum item 3.a.(2) for the fair value of all other loans secured by real estate measured at fair value. Existing Memorandum items 3.c.(1) through 3.c.(4) would be consolidated into new Memorandum item 3.c for the fair value of all consumer loans measured at fair value. Similarly, existing Memorandum items 4.a.(3)(a), 4.a.(3)(b)(1), and 4.a.(3)(b)(2) would be consolidated into new Memorandum item 4.a.(1) for the unpaid principal balance of loans secured by 1–4 family residential properties measured at fair value, while existing Memorandum items 4.a.(1), 4.a.(2), 4.a.(4), and 4.a.(5) would be consolidated into new Memorandum item 4.a.(2) for the unpaid principal balance of all other loans secured by real estate measured at fair value. Existing Memorandum items 4.c.(1) through 4.c.(4) would be consolidated into new Memorandum item 4.c for the unpaid principal balance of all consumer loans measured at fair value.[9]

In addition, the agencies propose to remove the separate reporting of fair value detail on federal funds sold and securities purchased under agreements to resell in item 2, which would instead be included as part of all other assets in item 6. The agencies also propose to remove the separate reporting of fair value detail for federal funds purchased and securities sold under agreements to repurchase in item 9, other borrowed money in item 11, and subordinated notes and debentures in item 12, with these categories of liabilities instead being reported within all other liabilities in item 13. The agencies are proposing these changes because they no longer need the current level of detail on loans measured at fair value under a fair value option and on certain other fair values in the Call Report from institutions that file the FFIEC 041.

Schedule RC–S

With respect to Schedule RC–S of the FFIEC 041, the agencies propose the following revisions to Schedule RC–S as they no longer need the current level of detail on securitization and asset sale activities in the Call Report from institutions that file the FFIEC 041:

(a) Consolidate columns B through F of items 1 through 5 and items 9 through 12, which collect information on certain securitization and asset sale activities, into existing column G. The activities covered in columns B through F pertain to home equity lines, credit card receivables, auto loans, other consumer loans, and commercial and industrial loans, respectively. The amounts previously reported in columns B through F would be included in column G, ''All other loans, all leases, and all other assets.''

(b) Consolidate the maximum amount of credit exposures arising from recourse or other seller-provided credit enhancements in the form of retained interest-only strips, subordinated securities and other residual interests, and standby letters of credit and other enhancements, which are reported in items 2.a, 2.b, and 2.c, respectively, into a single new item 2.

(c) Remove item 3 for unused commitments to provide liquidity to structures reported in item 1 involving assets sold and securitized by the reporting bank with servicing retained or with recourse or other seller-provided credit enhancements.

(d) Consolidate ownership (or seller's) interests carried as securities and loans, which are reported in items 6.a and 6.b, respectively, into a single new item 6, and consolidate columns B, C, and F, which pertain to home equity lines, credit card receivables, and commercial and industrial loans, respectively, into column G. The amounts previously reported in columns B, C, and F would be included in the new item 6 in column G, ''All other loans, all leases, and all other assets.'' The agencies also propose to create a reporting threshold of $10 billion or more in total assets for reporting this new combined item 6.

(e) Remove items 7.a and 7.b, which contain loan amounts included in ownership (or seller's) interests carried as securities that are 30–89 days past due and 90 days or more past due, respectively.

(f) Remove items 8.a and 8.b, which contain charge-offs and recoveries, respectively, on loan amounts included in the ownership (or seller's) interests carried as securities that are currently reported in item 6.a.

(g) Create a reporting threshold of $10 billion or more in total assets for reporting item 10 on unused commitments to provide liquidity to other institutions' securitization structures.

(h) Remove Memorandum items 1.a. and 1.b, which contain the outstanding principal balance and the amount of retained recourse, respectively, on small business obligations transferred with recourse under Section 208 of the Riegle Community Development and Regulatory Improvement Act of 1994. The amounts previously reported in Memorandum items 1.a and 1.b would be included in items 1 and 2 or items 11 and 12 of column G depending on whether the obligations that had been sold were securitized or not securitized, respectively.

(i) Create a reporting threshold of $10 billion or more in total assets for reporting detail on asset-backed commercial paper (ABCP) conduits in Memorandum items 3.a.(1) through 3.b.(2), and the amount of outstanding credit card fees and finance charges included in credit card receivables sold and securitized with servicing retained or with recourse or other seller-provided credit enhancements in Memorandum item 4. To complete Memorandum item 4, an institution with $10 billion or more in total assets would also need to meet one of the existing criteria for reporting this information, *i.e.,* the institution, together with affiliated institutions, has outstanding credit card receivables that exceed $500 million as of the report date, or the institution is a credit card specialty bank as defined for Uniform Bank Performance Report (UBPR) purposes.

Schedule RC–T

With respect to Schedule RC–T of the FFIEC 041, the agencies propose to increase the reporting threshold for reporting the components of fiduciary and related services income. For institutions with total fiduciary assets greater than $100 million but less than or equal to $250 million that do not meet the fiduciary income test for quarterly reporting,[10] the agencies propose to no longer require the reporting of items 14 through 26. There would be no change to the reporting requirements applicable to items 14 through 26 for all other institutions. The agencies no longer need the current level of detail on fiduciary and related services income from institutions with less than $250 million in total fiduciary assets that do not meet the fiduciary income test.

In addition, the agencies propose to add a reporting threshold for reporting the number and market value of

[9] In the June 2017 Call Report proposal, the agencies proposed comparable consolidation of the detail on loans held for trading, which are measured at fair value, and the unpaid principal balance of such loans in Schedule RC–D.

[10] An institution does not meet the fiduciary income test if its gross fiduciary and related services income was less than or equal to 10 percent of revenue (net interest income plus noninterest income) for the preceding calendar year.

collective investment funds and common trust funds by type of fund in Memorandum items 3.a through 3.g. For institutions at which these funds have a total market value of less than $1 billion (as of the preceding December 31), the agencies propose to no longer require the reporting of Memorandum items 3.a through 3.g. Such institutions would report only the total number and market value of their collective investment funds and common trust funds in Memorandum item 3.h. Institutions at which the total market value of their collective investment funds and common trust funds is $1 billion or more would continue to report Memorandum items 3.a through 3.h. The agencies no longer need the current level of detail on collective investment funds and common trust funds in the Call Report from institutions at which the total market value of these funds is less than $1 billion.

Schedule RC–V

With respect to Schedule RC–V of the FFIEC 041, the agencies propose to consolidate information collected on consolidated variable interest entities (VIEs) used as ABCP conduits (column B) and other VIEs (column C) for all items into a single column B covering all VIEs other than those used as securitization vehicles (which will continue to be reported in column A). In lieu of the detailed breakdown of assets and liabilities of ABCP conduit VIEs currently reported in column B, the agencies propose to collect data only on the total assets and total liabilities of such VIEs in new items 5 and 6, respectively. For these ABCP conduit VIEs, the total assets item would include the assets that can be used only to settle these VIEs' obligations, which are currently reported in items 1.a through 1.k, column B, and all other assets of these VIEs, which are currently reported in item 3, column B; the total liabilities items would include these VIEs' liabilities for which creditors do not have recourse to the general credit of the reporting bank, which are currently reported in items 2.a through 2.e, column B, and all other liabilities of these VIEs, which are currently reported in item 4, column B.

In the two columns of Schedule RC–V that would remain, the agencies also propose to consolidate the VIE information on held-to-maturity and available-for-sale securities in items 1.b and 1.c, respectively, into a single new item 1.b; loans and leases held for sale, loans and leases held for investment, and the allowance for loan and leases losses in items 1.e through 1.g into a single new item 1.c; and commercial paper and other borrowed money in items 2.c and 2.d, respectively, into a single new item 2.a. In addition, the agencies propose to remove the VIE detail on securities purchased under agreements to resell in item 1.d, trading assets (other than derivatives) in item 1.h, and derivative trading assets in item 1.i. The data currently reported in these items would be included in existing item 1.k for other assets, which would be renumbered as item 1.e. The agencies also propose to remove the VIE detail on securities sold under agreements to repurchase in item 2.a and derivative trading liabilities in item 2.b; these items would be included in existing item 2.e for other liabilities, which would be renumbered as item 2.b. The agencies propose to consolidate and remove these items because they no longer need the current level of detail on consolidated VIEs in the Call Report.

C. Revisions to the FFIEC 031

Schedule RC–A

With respect to Schedule RC–A of the FFIEC 031, the agencies propose to consolidate the reporting of an institution's balances due from depository institutions in the United States, which are currently reported for the consolidated bank in items 2.a for balances due from U.S. branches and agencies of foreign banks and 2.b for balances due from other commercial banks and other depository institutions in the United States, into a single item 2 in column A. In addition, the agencies propose to consolidate the reporting of an institution's balances due from banks in foreign countries and foreign central banks, which are currently reported for the consolidated bank in items 3.a for balances due from foreign branches of other U.S. banks and 3.b for balances due from banks in foreign countries and foreign central banks, into a single item 3 in column A. The agencies no longer need the current level of detail for these balances in the Call Report.

Schedule RC–F

With respect to Schedule RC–F of the FFIEC 031, the agencies propose to consolidate the reporting of an institution's interest-only strips receivable, which are currently reported in items 3.a for those on mortgage loans and 3.b for those on other financial assets, into a single item 3. The agencies no longer need the current level of detail for these holdings in the Call Report.

In addition, the agencies propose to remove the preprinted caption for retained interests in accrued interest receivable related to securitized credit cards (item 6.d) as few institutions report having this component of other assets in an amount in excess of the existing reporting threshold for disclosing this component.[11] Items 6.e through 6.k would be renumbered as items 6.d through 6.j.

Schedule RC–H

With respect to Schedule RC–H of the FFIEC 031, in connection with removing the separate detail for loans held for investment and held for sale in domestic offices measured at fair value under a fair value option from Schedule RC–Q, the agencies propose to aggregate all loans held for investment and held for sale in domestic offices measured at fair value under a fair value option that are currently reported on Schedule RC–Q, column B, Memorandum items 3.a.(1) through 3.d (including all subitems), into a single new item, Schedule RC–H, item 22. This item would be completed by institutions that (1) have elected to report financial instruments or servicing assets and liabilities at fair value under a fair value option with changes in fair value recognized in earnings, or (2) are required to complete Schedule RC–D, Trading Assets and Liabilities. The agencies believe relocating this data from Schedule RC–Q to Schedule RC–H will improve efficiency by consolidating additional domestic office information on Schedule RC–H.

Schedule RC–N

With respect to Schedule RC–N of the FFIEC 031, the agencies propose to remove the data items for reporting the past due and nonaccrual status of the fair value and unpaid principal balance of held-for-investment loans measured at fair value, which are currently reported in Memorandum items 5.b.(1) and 5.b.(2), columns A through C. The agencies no longer need this current level of detail in the Call Report. The agencies would renumber Memorandum item 5.a, ''Loans and leases held for sale,'' as Memorandum item 5 for columns A through C.

Schedule RC–P

With respect to Schedule RC–P of the FFIEC 031, the agencies propose to modify the reporting criteria for this schedule by removing the current $1 billion asset-size threshold and applying only the existing activity-based

[11] If this preprinted caption were removed and an institution has retained interests in accrued interest receivable related to securitized credit cards in an amount in excess of the reporting threshold, the institution would itemize and describe this component in one of the subitems of item 6 without a preprinted caption.

threshold to all institutions, regardless of size. As proposed, Schedule RC–P would be completed by institutions where any of the following residential mortgage banking activities (in domestic offices) exceeds $10 million for two consecutive quarters:

- Closed-end and open-end first lien and junior lien 1–4 family residential mortgage loan originations and purchases for resale from all sources during a calendar quarter; or
- Closed-end and open-end first lien and junior lien 1–4 family residential mortgage loan sales during a calendar quarter; or
- Closed-end and open-end first lien and junior lien 1–4 family residential mortgage loans held for sale or trading at calendar quarter-end.

The agencies believe an activity-based threshold alone is more appropriate than an asset-size threshold for determining which institutions should file this schedule.

The agencies also propose to consolidate the 1–4 family residential mortgage banking activity detail collected in this schedule for closed-end loans and commitments under open-end loans for retail originations (item 1), wholesale originations and purchases (item 2), mortgage loans sold (item 3), mortgage loans held for sale or trading (item 4), and repurchases and indemnifications of mortgage loans (item 6). Specifically, items 1.a, 1.b, and 1.c.(1) would be combined into new item 1; items 2.a, 2.b, and 2.c.(1) would be combined into new item 2; items 3.a, 3.b, and 3.c.(1) would be combined into new item 3; items 4.a, 4.b, and 4.c.(1) would be combined into new item 4; and, items 6.a, 6.b, and 6.c.(1) would be combined into new item 6. The agencies also propose to consolidate noninterest income from the sale, securitization, and servicing of closed-end and open-end 1–4 family residential mortgage loans currently reported in items 5.a and 5.b into a new item 5. In addition, the agencies propose to remove detail on the principal amount funded for open-end loans extended under lines of credit for each of the above listed categories currently reported in items 1.c.(2), 2.c.(2), 3.c.(2), 4.c.(2), and 6.c.(2). The agencies are proposing these changes because they no longer need the current level of detail on 1–4 family residential mortgage banking activities in the Call Report.

Schedule RC–Q

With respect to Schedule RC–Q of the FFIEC 031, the agencies propose to modify the reporting criteria for this schedule by applying only an activity threshold and not an asset-size threshold, which currently is $500 million. As proposed, Schedule RC–Q would be completed only by institutions that (1) have elected to report financial instruments or servicing assets and liabilities at fair value under a fair value option with changes in fair value recognized in earnings, or (2) are required to complete Schedule RC–D, Trading Assets and Liabilities. Institutions that do not meet either of these criteria would no longer need to complete this schedule, regardless of asset size. The agencies believe the activity thresholds are more appropriate than the existing simple asset-size threshold for determining which institutions must complete this schedule.

For loans held for investment and held for sale measured at fair value under a fair value option, the agencies also propose to remove column B (domestic offices) for the fair value and the unpaid principal balance of such loans currently collected in Memorandum items 3 and 4 of this schedule, respectively, and replace the detailed data on fair value option loans in domestic offices with a single new item for the total amount of fair value option loans that would be added to Schedule RC–H, Selected Balance Sheet Items for Domestic Offices.[12] In addition, the agencies would consolidate certain existing loan categories in Memorandum items 3 and 4. For fair value option loans secured by 1–4 family residential properties, detail on revolving, open-end loans secured by 1–4 family residential properties and extended under lines of credit; closed-end loans secured by first liens on 1–4 family residential properties; and closed-end loans secured by junior liens on 1–4 family residential properties that is currently reported for domestic offices in column B would be consolidated into a single category and collected for the consolidated bank. For fair value option loans secured by real estate other than 1–4 family residential properties, detail on construction, land development, and other land loans; loans secured by farmland; loans secured by multifamily (5 or more) residential properties; and loans secured by nonfarm nonresidential properties that is currently reported for domestic offices in column B would be consolidated into a single category and collected for the consolidated bank. These proposed revisions would replace the existing items for total fair value option loans secured by real estate for the consolidated bank. For fair value option consumer loans, detail for the consolidated bank on credit cards, other revolving credit plans, automobile loans, and other consumer loans would be consolidated into a single category. Specifically, existing Memorandum items 3.a and 4.a in column A for the fair value and the unpaid principal balance of the consolidated bank's total loans secured by real estate would be removed. Existing Memorandum items 3.a.(3)(a), 3.a.(3)(b)(1), and 3.a.(3)(b)(2) in column B would be consolidated into new Memorandum item 3.a.(1) for the fair value of the consolidated bank's loans secured by 1–4 family residential properties measured at fair value, while existing Memorandum items 3.a.(1), 3.a.(2), 3.a.(4), and 3.a.(5) in column B would be consolidated into new Memorandum item 3.a.(2) for the fair value of all other loans secured by real estate measured at fair value for the consolidated bank. Existing Memorandum items 3.c.(1) through 3.c.(4) for the consolidated bank would be consolidated into new Memorandum item 3.c for the fair value of all consumer loans measured at fair value. Similarly, existing Memorandum items 4.a.(3)(a), 4.a.(3)(b)(1), and 4.a.(3)(b)(2) in column B would be consolidated into new Memorandum item 4.a.(1) for the unpaid principal balance of the consolidated bank's loans secured by 1–4 family residential properties measured at fair value, while existing Memorandum items 4.a.(1), 4.a.(2), 4.a.(4), and 4.a.(5) in column B would be consolidated into new Memorandum item 4.a.(2) for unpaid principal balance of all other loans secured by real estate measured at fair value for the consolidated bank. Existing Memorandum items 4.c.(1) through 4.c.(4) for the consolidated bank would be consolidated into new Memorandum item 4.c for unpaid principal balance of all consumer loans measured at fair value.[13] The agencies are proposing these changes because they no longer need the current level of detail on loans measured at fair value under a fair value option in the Call Report from institutions that file the FFIEC 031.

Schedule RC–S

With respect to Schedule RC–S of the FFIEC 031, the agencies propose the following revisions to Schedule RC–S, as they no longer need the current level of detail on securitization and asset sale

[12] The new Schedule RC–H item would be completed only by institutions required to complete Schedule RC–Q.

[13] In the June 2017 Call Report proposal, the agencies proposed comparable consolidation of the detail on loans held for trading, which are measured at fair value, and the unpaid principal balance of such loans in Schedule RC–D.

activities in the Call Report from institutions that file the FFIEC 031:

(a) Consolidate the maximum amount of credit exposures arising from recourse or other seller-provided credit enhancements in the form of retained interest-only strips, subordinated securities and other residual interests, and standby letters of credit and other enhancements, which are reported in items 2.a, 2.b, and 2.c, respectively, into a single new item 2.

(b) Create a reporting threshold of $100 billion or more in total assets for item 3, which is used for reporting unused commitments to provide liquidity to structures reported in item 1 involving assets sold and securitized by the reporting bank with servicing retained or with recourse or other seller-provided credit enhancements.

(c) Consolidate ownership (or seller's) interests carried as securities and loans, which are reported in items 6.a and 6.b, respectively, into a single new item 6. The agencies also propose to create a reporting threshold of $10 billion or more in total assets for reporting this new combined item 6.

(d) Remove items 7.a and 7.b, which contain loan amounts included in ownership (or seller's) interests carried as securities that are 30–89 days past due and 90 days or more past due, respectively.

(e) Remove items 8.a and 8.b, which contain charge-offs and recoveries, respectively, on loan amounts included in the ownership (or seller's) interests carried as securities that are currently reported in item 6.a.

(f) Consolidate columns B and C of item 9, which contain the maximum amount of credit exposure arising from credit enhancements in the form of standby letters of credit, purchased subordinated securities, and other enhancements provided by the reporting institution to other institutions' securitization structures, into existing column G. The activities covered in columns B and C pertain to home equity lines and credit card receivables, respectively. The amounts previously reported in columns B and C would be included in column G, ''All other loans, all leases, and all other assets.''

(g) Create a reporting threshold of $10 billion or more in total assets for reporting unused commitments to provide liquidity to other institutions' securitization structures in item 10. The agencies also propose to consolidate columns B and C of item 10 into existing column G. The activities covered in columns B and C pertain to home equity lines and credit card receivables, respectively. The amounts previously reported in columns B and C by institutions with $10 billion or more in total assets would be included in column G, ''All other loans, all leases, and all other assets.''

(h) Consolidate columns B through F of item 11, which contain assets sold with recourse or other seller-provided credit enhancements and not securitized, into existing column G. The activities covered in columns B through F pertain to home equity lines, credit card receivables, auto loans, other consumer loans, and commercial and industrial loans, respectively. The amounts previously reported in columns B through F would be included in column G, ''All other loans, all leases, and all other assets.''

(i) Consolidate columns B through F of item 12, which contain the maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements on assets sold with recourse or other seller-provided credit enhancements and not securitized, into existing column G. The activities covered in columns B through F pertain to home equity lines, credit card receivables, auto loans, other consumer loans, and commercial and industrial loans, respectively. The amounts previously reported in columns B through F would be included in column G, ''All other loans, all leases, and all other assets.''

(j) Remove Memorandum items 1.a. and 1.b which contain the outstanding principal balance and the amount of retained recourse, respectively, on small business obligations transferred with recourse under Section 208 of the Riegle Community Development and Regulatory Improvement Act of 1994. The amounts previously reported in these two memorandum items would be included in items 1 and 2 (column F) or items 11 and 12 (column G) depending on whether the obligations that had been sold were securitized or not securitized, respectively.

(k) Create a reporting threshold of $10 billion or more in total assets for reporting detail on ABCP conduits in Memorandum items 3.a.(1) through 3.b.(2), and the amount of outstanding credit card fees and finance charges included in credit card receivables sold and securitized with servicing retained or with recourse or other seller-provided credit enhancements in Memorandum item 4. To complete Memorandum item 4, an institution with $10 billion or more in total assets would also need to meet one of the existing criteria for reporting this information, *i.e.,* the institution, together with affiliated institutions, has outstanding credit card receivables that exceed $500 million as of the report date, or the institution is a credit card specialty bank as defined for UBPR purposes.

Schedule RC–T

With respect to Schedule RC–T of the FFIEC 031, the agencies propose to increase the reporting threshold for reporting the components of fiduciary and related services income. For institutions with total fiduciary assets greater than $100 million but less than or equal to $250 million that do not meet the fiduciary income test for quarterly reporting,[14] the agencies propose to no longer require the reporting of items 14 through 26. There would be no change to the reporting requirements applicable to items 14 through 26 for all other institutions. The agencies no longer need the current level of detail on fiduciary and related services income from institutions with less than $250 million in total fiduciary assets that do not meet the fiduciary income test.

In addition, the agencies propose to add a reporting threshold for reporting the number and market value of collective investment funds and common trust funds by type of fund in Memorandum items 3.a through 3.g. For institutions at which these funds have a total market value of less than $1 billion (as of the preceding December 31), the agencies propose to no longer require the reporting of Memorandum items 3.a through 3.g. Such institutions would report only the total number and market value of their collective investment funds and common trust funds in Memorandum item 3.h. Institutions at which the total market value of their collective investment funds and common trust funds is $1 billion or more would continue to report Memorandum items 3.a through 3.h. The agencies no longer need the current level of detail on collective investment funds and common trust funds in the Call Report from institutions at which the total market value of these funds is less than $1 billion.

Schedule RC–V

With respect to Schedule RC–V of the FFIEC 031, the agencies propose to consolidate information collected on consolidated VIEs used as ABCP conduits (column B) and other VIEs (column C) for all items into a single column B covering all VIEs other than those used as securitization vehicles (which will continue to be reported in column A). In lieu of the detailed breakdown of assets and liabilities of ABCP conduit VIEs currently reported in column B, the agencies propose to collect data on the total assets and total liabilities of such VIEs in new items 5 and 6, respectively. For these ABCP conduit VIEs, the total assets item would include the assets that can be used only to settle these VIEs' obligations, which are currently reported in items 1.a through 1.k, column B, and all other assets of these VIEs, which are currently reported in item 3, column B; the total liabilities items would include these VIEs' liabilities for which creditors do not have recourse to the general credit of the reporting bank, which are currently reported in items 2.a through 2.e, column B, and all other liabilities of these VIEs, which are currently reported in item 4, column B.

In the two columns of Schedule RC–V that would remain, the agencies also propose to consolidate the VIE information on held-to-maturity and available-for-sale securities in items 1.b

[14] An institution does not meet the fiduciary income test if its gross fiduciary and related services income was less than or equal to 10 percent of revenue (net interest income plus noninterest income) for the preceding calendar year.

and 1.c into a single new item 1.b; loans and leases held for sale, loans and leases held for investment, and the allowance for loan and leases losses in items 1.e through 1.g into a single new item 1.c; and commercial paper and other borrowed money in items 2.c and 2.d into a single new item 2.a. In addition, the agencies propose to remove the VIE detail on securities purchased under agreements to resell in item 1.d, trading assets (other than derivatives) in item 1.h, and derivative trading assets in item 1.i. The data currently reported in these items would be included in existing item 1.k for other assets, which would be renumbered as item 1.e. The agencies also propose to remove the VIE detail on securities sold under agreements to repurchase in item 2.a and derivative trading liabilities in item 2.b; these items would be included in existing item 2.e for other liabilities, which would be renumbered as item 2.b. The agencies propose to consolidate and remove these items because they no longer need the current level of detail on consolidated VIEs in the Call Report.

IV. Timing

The agencies propose to make the changes in this notice effective beginning with the June 30, 2018, Call Report. The agencies invite comment on any difficulties that institutions would expect to encounter in implementing the systems and process changes necessary to accommodate the proposed revisions to the FFIEC 051, FFIEC 041, and FFIEC 031 as of this proposed effective date.

The specific wording of the captions for the new or revised Call Report data items discussed in this proposal and the numbering of these data items should be regarded as preliminary.

V. Request for Comment

Public comment is requested on all aspects of this joint notice. Comment is specifically invited on:

(a) Whether the proposed revisions to the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections 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.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Appendix A

Summary of the FFIEC Member Entities' Uses of the Data Items in the Call Report Schedules in the Portion of the User Surveys Evaluated in the Development of This Proposal

Schedule RI–A (Changes in Bank Equity Capital)

Schedule RI–A collects detailed information about specified categories of changes in an institution's equity capital during the calendar year to date. In general, these categories are aligned with categories typically reported on a basic statement of changes in equity in a set of financial statements prepared under U.S. generally accepted accounting principles (GAAP).

The FFIEC member entities' examiners use the Schedule RI–A information in their off-site reviews to identify and understand the sources of any significant changes in an institution's capital accounts. Information on dividends declared as a percentage of net income reveals the extent to which capital is being augmented through earnings retention, which is the principal source of capital for most institutions. The banking agencies may be aware of some capital transactions reported in Schedule RI–A due to licensing requirements. However, for many other transactions directly affecting capital such as dividends declared and transactions with a parent holding company, Schedule RI–A may be the only source of information on changes in capital aside from an on-site examination. Even for capital transactions that require prior agency approval, the information reported in Schedule RI–A serves as confirmation that the institution successfully completed the transaction (such as issuing new stock or redeeming existing preferred stock). The agencies also use the information on this schedule as a starting point for reviewing compliance with statutory or regulatory restrictions on dividends or holding company transactions.

The FDIC uses data items from Schedule RI–A in its estimates of losses from failures of insured depository institutions, which affects the FDIC's loss reserve and the resulting level of the balance in the Deposit Insurance Fund.

Schedule RI–C (Disaggregated Data on the Allowance for Loan and Lease Losses) [FFIEC 031 and FFIEC 041 only]

Schedule RI–C provides information on the components of the allowance for loan and lease losses (ALLL) by loan category disaggregated on the basis of a reporting institution's impairment measurement method and the related recorded investment in loans (and, as applicable, leases) held for investment for institutions with $1 billion or more in total assets. The information required to be reported in Schedule RI–C is consistent with disclosures required under existing U.S. GAAP in Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) paragraphs 310–10–50–11B(g) and (h).

By providing this level of detail on an individual institution's overall ALLL, which supports the identification of changes in its components over time, examiners can better perform off-site monitoring of activity within the ALLL in periods between examinations and when planning for examinations. Thus, the Schedule RI–C information enables examiners and agency analysts to determine whether the institution is releasing loan loss allowances in some loan categories and building allowances in others. Furthermore, changes from period to period in the volume of individually evaluated loans that have been determined to be impaired in each loan category, and the allowance allocations to these impaired loans, provide examiners and analysts with an indicator of trends in the institution's credit quality. This understanding is critical to the agencies since the ALLL, and the direction of changes in its composition, is one of the key factors in determining an institution's financial condition.

The detailed ALLL information collected in Schedule RI–C allows the agencies to more finely focus efforts related to the analysis of the ALLL and credit risk management. By reviewing the data collected in Schedule RI–C on allowance allocations by loan category in conjunction with the past due and nonaccrual data reported by loan category (in Schedule RC–N) that are used in a general assessment of an institution's credit risk exposures, the agencies can better evaluate whether the overall level of its ALLL, and its allocations by loan category, appear appropriate or whether supervisory follow-up is warranted. Together, the ALLL information and past due and nonaccrual data factor into the assessment of the Asset Quality component of the CAMELS rating.[15] As an example, by using the detailed information on the ALLL allocated to commercial real estate (CRE) loans, examiners and analysts can better understand how institutions with CRE concentrations are building or releasing allowances, the extent of ALLL coverage in relation to their CRE portfolios, and how this might differ among institutions.

Schedule RI–C also assists the agencies in understanding industry trends related to the build-up or release of allowances for specific loan categories. The information supports comparisons of ALLL levels by loan category, including the identification of differences in ALLL allocations by institution size. Understanding how institutions' ALLL practices and allocations differ over time for

[15] CAMELS is an acronym that represents the ratings from six essential components of an institution's financial condition and operations: Capital adequacy, asset quality, management, earnings, liquidity, and sensitivity to market risk. These components represent the primary areas evaluated by examiners during examinations of institutions.

particular loan categories as economic conditions change provides insight that can be used to more finely tune supervisory procedures and policies.

Schedule RC–A (Cash and Balances Due from Depository Institutions) [FFIEC 031 and FFIEC 041 only]

Schedule RC–A provides data on currency and coin, cash items, balances due from U.S. and foreign depository institutions, and balances due from Federal Reserve Banks. This information, particularly from larger institutions, is utilized for monetary policy purposes and liquidity analysis purposes.

For monetary policy purposes, information from Schedule RC–A is needed for analysis of the relationship between institutions' cash assets and the federal funds market, and in the construction of the monetary aggregates and weekly estimates of cash assets. The Board, in conducting monetary policy, monitors shifts between cash accounts and federal funds as a measure of the effectiveness of policy initiatives. For example, differences in interest rates paid on balances due from Federal Reserve Banks compared to those available in the federal funds market cause shifts in the relative volumes of funds institutions hold in their Federal Reserve Bank accounts and federal funds sold. This can be seen in the significant shrinkage in the federal funds market over the past ten years that has been offset by increases in cash assets held. As monetary policy normalizes and rates in the federal funds market increase, data in Schedule RC–A will allow the Board to analyze how cash assets would change as the federal funds market responds to the movement in rates.

Schedule RC–A data also serve as inputs into the construction of the monetary aggregates and in deriving estimates of cash assets on a weekly frequency. Cash items reported in item 1 are utilized as netting components in constructing the monetary aggregates. Items for cash and balances due from depository institutions are utilized to benchmark comparable weekly data collected by the Board from a sample of both small and large depository institutions. These weekly estimates provide timely input for more effective monitoring of institutions' cash asset positions.

Schedule RC–A provides information about the most liquid balance sheet accounts available to satisfy unexpected cash outflows. Thus, information reported on balances due from depository institutions, including those representing correspondent banking balances, are a key element in the agencies' analysis of an institution's management of liquidity risk. Such balances serve to pay the institution's daily cash letters and must be maintained at sufficient levels to cover these obligations in the normal course of business. At the same time, information from Schedule RC–A is particularly important for the agencies' evaluations of an institution's ability to effectively respond to liquidity stress. Although other balance sheet assets, such as debt securities, are secondary sources of liquidity under normal operating conditions, examiners consider the availability of on-balance sheet cash and due from balances under a highly stressed operating environment. Given the volatility of liability funding sources, agency supervisory staff assess the demands of a potential liquidity crisis in comparison to the availability of funds from due from balances. Because the amount of liquid assets that an institution should maintain is a function of the stability of its funding structure and the risk characteristics of its balance sheet and off-balance sheet activities, examiners monitor the level of cash and due from balances, and changes therein from period to period, by using data from Schedule RC–A as part of their off-site analyses of liquidity risk. The results of these analyses may influence the supervisory strategy for an institution and is an input into examination planning activities necessary for scoping and staffing the evaluation of liquidity and funds management during examinations.

The separate breakout of balances due from banks in foreign countries and foreign central banks in Schedule RC–A also aids the agencies in assessing liquidity risk arising from additional or distinct banking laws and regulations in foreign countries and in evaluating the currency risk and country risk associated with these balances.

Schedule RC–F (Other Assets)

Schedule RC–F collects a breakdown of assets not reported in other balance sheet asset categories, such as deferred tax assets, equity securities without readily determinable fair values, and life insurance assets. This information is used in off-site monitoring and for pre-examination planning. A trend of rapid growth in or a significant change in the reported amount of an individual category of other assets that is identified through off-site monitoring may represent an area of potential concern or heightened risk and require further review and assessment, either upon identification or at the next examination.

For example, a significant increase in the level of accrued interest receivable may be indicative of deterioration in the repayment capacity of an institution's borrowers or a relaxation of management's loan collection policies and practices, which would signal an increase in overall credit risk. Growth in the amount of net deferred tax assets, particularly at an institution with cumulative losses in recent years, raises questions about the realizability of these assets and whether the need for a valuation allowance has been properly assessed. The importance of ensuring the appropriateness of the reported amount of these assets is also tied to the deductions and limits that apply to deferred tax assets under the agencies' regulatory capital rules. Examiners use information on the volume of interest-only strips receivable in their pre-examination scoping of an institution's interest rate risk to determine the extent of this risk in preparation for an on-site assessment. Because bank-owned life insurance exposes an institution to liquidity, operational, credit, interest rate, and other risks, examiners need to identify significant holdings of life insurance assets and growth in such holdings. In these circumstances, examiners evaluate management's adherence to prudent concentration limits for life insurance assets and management's performance of comprehensive assessments of the risks of these assets, either on an off-site basis or during examinations.

Information on those individual components of all other assets that exceed the Schedule RC–F disclosure threshold helps examiners evaluate the significance of these items to the overall composition of the balance sheet and identify risk exposures associated with these assets. For example, when examiners find the reported amount of repossessed assets at an institution to be increasing, these data, taken together with data on the volume of past due and nonaccrual loans reported in Schedule RC–N, may signal credit deterioration and the need for examiner follow-up with management. Data on repossessed assets also are used for the scoping of targeted consumer compliance examinations, particularly with respect to auto loan origination and servicing.

Data on accrued interest receivable also are used in the FDIC's model that estimates losses arising from the failure of problem institutions, which affects the measurement of the balance of the Deposit Insurance Fund.

Schedule RC–G (Other Liabilities)

Schedule RC–G collects a breakdown of liabilities not reported in other balance sheet liability categories, such as interest accrued and unpaid on deposits, net deferred tax liabilities, and the allowance for credit losses on off-balance sheet exposures. As with the other assets data collected in Schedule RC–F, information reported in Schedule RC–G is used in off-site monitoring and for pre-examination planning. A trend of rapid growth in or a significant change in the reported amount of an individual category of other liabilities that is identified through off-site monitoring may represent an area of potential concern or heightened risk and require further review and assessment, either upon identification or at the next examination.

For example, a significant increase or decrease in the interest accrued and unpaid on deposits would warrant examiner follow-up to determine the cause for this change from previous levels because it could indicate a change in an institution's funding strategy with a consequential effect on its future earnings and its interest rate risk exposure. Examiner assessments of material increases in the allowance for off-balance sheet credit exposures are performed to determine whether this reflects credit quality deterioration on the part of existing customers to whom credit has been extended, a loosening of underwriting practices for granting or renewing lines of credit, or other factors, especially at banks with significant credit card operations or other unfunded commitments.

Information on those individual components of all other liabilities that exceed the Schedule RC–G disclosure threshold helps examiners evaluate the significance of these items to the overall composition of the balance sheet and identify risk exposures associated with these liabilities. For example, an increase in the amount of derivatives with negative fair values, considering changes in

the notional amounts of derivatives reported in Schedule RC–L (on the FFIEC 031 or FFIEC 041) or Schedule SU (on the FFIEC 051), would lead to examiner review of an institution's hedging activities and their effectiveness in offsetting identified hedged risks or its strategy for entering into derivatives transactions for purposes other than hedging because of the resulting negative impact on earnings. Because deferred compensation liabilities create funding obligations, growth in the amount of these liabilities that triggers disclosure in Schedule RC–G warrants examiner review to ensure that management is properly planning for the funding mechanisms to be used to satisfy these compensation arrangements.

Data on interest accrued and unpaid on deposits also are used in the FDIC's model that estimates losses arising from the failure of problem institutions, which affects the measurement of the Deposit Insurance Fund.

Schedule RC–H (Selected Balance Sheet Items for Domestic Offices) [FFIEC 031 Only]

Schedule RC–H provides data on selected balance sheet items held in domestic offices only, and complements domestic office information collected in Schedule RC–C, Part I (Loans and Leases), Column B, and in Schedule RC–A (Cash and Balances Due from Depository Institutions), Column B. This domestic office level information is utilized for monetary policy and supervisory risk assessment purposes.

In general, Board policymakers set U.S. monetary policy to influence economic activity and financial market conditions in the United States. The domestic office components of the balance sheet items in Schedule RC–H and elsewhere in the Call Report are used in this context to assess credit availability, banks' funding patterns, liquidity, and investment strategies in the United States. For example, if the level of an institution's consolidated holdings of U.S. Treasury securities were increasing, but upon further review a significant portion of the growth reflected a rise in the amount of the institution's securities that are held in its foreign offices, such growth would not constitute direct support of either increased liquidity or a change in investment strategy at the institution's domestic offices. Moreover, in that case, such growth would not constitute an increase in the Board's U.S. bank credit aggregate, which is based on domestic-office-only holdings of institutions' securities and loans. Without the domestic-offices-only component of U.S. Treasury securities, the interpretation of increases in such securities holdings would be unnecessarily complicated; it would otherwise be unclear to policymakers, analysts, and others whether such growth had in fact reflected stimulation of the U.S. economy in the form of U.S. bank credit.

For institutions with foreign and domestic operations, the division of assets and funding between foreign and domestic components is a key element of an institution's risk profile. For example, the levels of funding and assets at such an institution that are subject to potentially more restrictive foreign laws and regulations and to currency risk and other transactional risks define a major portion of the institution's risk profile. In addition, data on the volume of assets and liabilities by balance sheet category in domestic versus foreign offices is essential for planning and staffing examinations of institutions with foreign offices.

Schedule RC–I (Assets and Liabilities of IBFs) [FFIEC 031 Only]

Schedule RC–I requires the reporting, on a fully consolidated basis, of the total assets and liabilities of all International Banking Facilities (IBFs) established by the reporting institution, *i.e.,* including any IBFs established by the institution itself or by its Edge or Agreement subsidiaries. An IBF is a set of asset and liability accounts, segregated on the books and records of the establishing entity, which reflect permitted international transactions. IBF activities are essentially limited to accepting deposits from and extending credit to foreign residents (including banks), other IBFs, and the institutions establishing the IBF. The general purpose of the collection of these two Schedule RC–I data items is to aid in the planning of examinations on the risks and activities associated with international lending, financing instruments, and international banking conducted through an IBF. These two data items also serve as high level indicators of institutions' engagement in such activities between examinations. There is no other source of information on the total assets and liabilities of U.S. banking institutions' IBFs.

Schedule RC–P (1–4 Family Residential Mortgage Banking Activities in Domestic Offices) [FFIEC 031 and FFIEC 041 only]

For institutions that meet an activity-based reporting threshold associated with their mortgage banking activities in domestic offices, Schedule RC–P provides data on their originations, purchases, and sales of closed-end and open-end 1–4 family residential mortgages during the quarter. Institutions providing data in Schedule RC–P also report the amount of closed-end and open-end 1–4 family residential mortgage loans held for sale or trading at quarter-end as well as the noninterest income for the quarter from the sale, securitization, and servicing of these mortgage loans. For open-end mortgage loans, institutions report the total commitment under the line of credit. These data are collected to enhance the agencies' ability to monitor the nature and extent of institutions' involvement with 1–4 family residential mortgage loans as originators, sellers, and servicers of such loans.

Since mortgage banking accounts for a large source of income at many institutions, concentrations of activities in this area pose several types of risks. These risks include operational, credit, interest rate, and liquidity risks, evaluations of which are critical in assigning appropriate CAMELS ratings for an institution. Therefore, the agencies monitor and analyze the Schedule RC–P data on institutions' mortgage banking activities to support their assessments of various risk components of CAMELS ratings. For example, 1–4 family residential mortgage banking activities may include an institution's obligation to repurchase mortgage loans that it has sold or otherwise indemnify the loan purchaser against loss due to borrower defaults, loan defects, other breaches of representations and warranties, or other reasons, thereby exposing the institution to additional risk. To monitor this exposure, Schedule RC–P collects data on 1–4 family residential mortgage loan repurchases and indemnifications during the quarter as well as representation and warranty reserves for such loans that have been sold. If off-site analysis of the reported data on repurchases and indemnifications reveals substantial increases in recent periods, this would be a red flag for supervisory questions about the credit and operational risks arising from the institution's mortgage loan originations and purchases as well as its ability to fund a higher level of loan repurchases going forward than it may be accustomed to repurchase. Examiner review of the appropriateness of the level of representation and warranty reserves and the institution's methodology for estimating the amount of these reserves also would be warranted.

In addition, the data reported in Schedule RC–P are used in the ongoing monitoring of the current volume, growth, and profitability of institutions' 1–4 family residential mortgage banking activities. In this regard, significant growth in these activities over a short period of time, particularly in relation to the size of an institution, raises supervisory concerns as to whether the institution has implemented appropriate risk management processes, controls, and governance over its mortgage banking business. The extent of the increased level of activity will determine the nature and timing of the supervisory follow-up. More generally, for examiners, the off-site monitoring of the Schedule RC–S data and related metrics and trends provides key information for examination scoping and helps determine the allocation of mortgage-banking specialists' time during on-site examinations.

A substantial volume of loans and other assets held for sale in a market where the assets may not be able to be readily sold can cause significant liquidity strain because of the institution's need for funding to carry these assets for a greater length of time than had been anticipated. Thus, the agencies use data from Schedule RC–P when assessing an institution's liquidity position by monitoring and analyzing the extent of mortgages held for sale or trading. If there is significant growth in the amount of such mortgage holdings, particularly when the Schedule RC–P data reveal larger amounts of originations and purchases compared to sales, this would be an indicator that the acquired loans are not selling and a basis for supervisory follow-up.

From a consumer compliance perspective, the agencies use Schedule RC–P data to monitor mortgage-related metrics for assessing potential risks to consumers, and for the scheduling and scoping of examinations. Additionally, the agencies rely on Schedule RC–P data for assessing an institution's product lines for compliance with the Community Reinvestment Act and other fair lending regulations, particularly if the institution engages in wholesale originations of mortgage loans.

Schedule RC–Q—Assets and Liabilities Measured at Fair Value on a Recurring Basis [FFIEC 031 and FFIEC 041 only]

FASB ASC Topic 820, Fair Value Measurement, provides guidance on how to measure fair value and establishes a three-level hierarchy for measuring fair value. This hierarchy prioritizes inputs used to measure fair value based on observability, giving the highest priority to quoted prices in active markets for identical assets or liabilities (Level 1) and the lowest priority to unobservable inputs (Level 3).

Under ASC Subtopic 825–10, Financial Instruments—Overall, ASC Subtopic 815–15, Derivatives and Hedging—Embedded Derivatives, and ASC Subtopic 860–50, Transfers and Servicing—Servicing Assets and Liabilities, an institution may elect to report certain assets and liabilities at fair value with changes in fair value recognized in earnings. This election is generally referred to as the fair value option. Under U.S. GAAP, certain other assets and liabilities are required to be measured at fair value on a recurring basis.

Institutions that have elected to apply the fair value option or have reported $10 million or more in total trading assets in any of the four preceding calendar quarters must report in Schedule RC–Q the amount of assets and liabilities, by major categories, that are measured at fair value on a recurring basis in the financial statements, along with separate disclosure of the amount of such assets and liabilities whose fair values were estimated under each of the three levels of the FASB's fair value hierarchy.

Agency staff use the information on assets reported at fair value in Schedule RC–Q to calibrate and estimate the impact of regulatory capital policy, as well as evaluate contemplated capital policy changes. The agencies also use the Schedule RC–Q data (particularly the volume of fair value option assets and liabilities in relation to total assets and total capital, whether the volume has significantly increased, and whether the option has begun to be applied to new categories of assets or liabilities) to assist with planning the proper scoping and staffing of risk management safety and soundness examinations given the critical importance of robust risk management and control processes around fair value measurement. For available-for-sale securities and fair value option loans, agency staff can also compare the fair values reported in Schedule RC–Q with the amortized cost and unpaid principal balance, respectively, reported for these assets in the Call Report to understand the extent and direction of these measurement differences and their potential effect on regulatory capital should a substantial portion of these assets need to be sold. The agencies also use this information to evaluate the extent of Level 3 fair value measurements of certain assets and liabilities because of the extensive use of unobservable inputs to estimate these fair values, as well as to monitor trading asset valuations and shifts in the fair value hierarchy valuation levels among trading assets over time and across capital markets.

Information in Schedule RC–Q is also used by agency examination staff to analyze capital, asset quality, earnings, and liquidity components of CAMELS. The agencies also use data reported in Schedule RC–Q in credit risk management tools. Obtaining these data on a quarterly basis allows for closer monitoring of credit risk changes affecting assets measured at fair value. The data are also used to monitor bank performance, emerging trends, and certain mortgage servicing assets.

Schedule RC–S (Servicing, Securitization, and Asset Sale Activities) [FFIEC 031 and FFIEC 041]

Schedule RC–S collects data on servicing, securitization, and asset sale activities. The majority of these data represents off-balance sheet activities. The agencies use the data provided in this schedule primarily for risk identification and examination scoping purposes.

Exposures reported in Schedule RC–S can affect an institution's liquidity outlook. For example, if an institution has a commitment to provide liquidity to its own or other institutions' securitization structures or has provided credit enhancements in the form of recourse or standby letters of credit for assets it has sold or securitized, the agencies need to consider such funding commitments to properly monitor and assess the full scope of an institution's liquidity position. This schedule also captures past due amounts for loans the reporting institution has sold and securitized on which it has retained servicing or has provided recourse or other credit enhancements. This past due information, and trends in the past due amounts, are critical to the agencies' ability to evaluate the credit quality of the underlying assets in securitization structures on an off-site basis and timely identify any credit quality deterioration for supervisory follow-up, including, if applicable, the effect of increased servicing costs on current and forecasted earnings. Defaulting assets underlying securitization structures played a major role during the recent financial crisis, so it is imperative the agencies have the information necessary to continuously monitor the performance of these assets.

The agencies also use Schedule RC–S data to analyze whether an institution has adequate capital to cover losses arising from liquidity commitments or recourse obligations if the underlying assets in securitizations begin to default, especially in the event of an economic downturn. In addition, on an industry-wide basis, changes in the level of activity reported in the various items of this schedule enables the agencies to identify emerging trends within the securitization sector, which supports the development, as needed, of supervisory policies and related guidance for institutions and examiners.

Schedule RC–S is also used by the agencies to prepare for on-site examinations. Specifically, the level of activity reported in Schedule RC–S helps the agencies make examination resource decisions, such as whether capital markets or consumer compliance specialists are needed on-site. (Consumer compliance regulations apply to loans an institution continues to service after sale or securitization.) For example, in the event there are increasing amounts of past due loans that an institution has sold and securitized, additional resources can be allocated to examining the institution's lending policies and practices and internal controls.

Schedule RC–T (Fiduciary and Related Services)

Schedule RC–T collects data on fiduciary assets and accounts, income generated from those accounts and other fiduciary services, and related fiduciary activities. The amount of data reported in Schedule RC–T and the frequency of reporting varies depending on an institution's total fiduciary assets and its fiduciary income. The most detail, including income information, is provided quarterly by institutions that have more than $250 million in fiduciary assets or meet a fiduciary income test; other trust institutions report less information in Schedule RC–T annually as of December 31.

Trust services are an integral part of the banking business for more than 20 percent of all institutions. The granularity of the data in Schedule RC–T, especially for the types of managed assets held in fiduciary accounts, aids the agencies in determining the complexity of an institution's fiduciary services risk profile. Furthermore, the agencies use Schedule RC–T data to monitor changes in the volume and character of discretionary trust activity and the volume of nondiscretionary trust activity at a trust institution, which facilitates their assessment of the nature and risks of the institution's fiduciary activities. The institution's risk profile in these areas is considered during pre-examination planning to determine the appropriate scoping and staffing for trust examinations.

The Schedule RC–T data also are used when examiners consider the ratings to be assigned to trust institutions under the Uniform Interagency Trust Rating System (UITRS). The UITRS considers certain managerial, operational, financial, and compliance factors that are common to all institutions with fiduciary activities. Under this system, the supervisory agencies endeavor to ensure that all institutions with fiduciary activities are evaluated in a comprehensive and uniform manner, and that supervisory attention is appropriately focused on those institutions exhibiting weaknesses in their fiduciary operations.

Schedule RC–T provides a breakdown of the amount and number of managed and non-managed accounts by the types of different trust accounts. Personal trusts, employee benefit trusts, and corporate trusts are reported separately because of their substantive differences in nature and risk. Having a detailed breakdown between managed and non-managed accounts is critical because managed accounts have greater levels of investment, legal, reputational, and compliance risks compared to non-managed accounts, and require more supervisory oversight. This account information supports examination scoping and staffing because the evaluation of different types of trust accounts requires differences in expertise.

Data reported by larger trust institutions on fiduciary and related services income and on

fiduciary settlements, surcharges, and other losses provide information on the overall profitability of the institution's fiduciary activities and supports the assessment of the Earnings component of the UITRS rating. These assessments consider such factors as the profitability of fiduciary activities in relation to the size and scope of the institution's trust product lines and its overall trust business. In addition, fiduciary settlements, surcharges, and other losses signal mishandling, operational failure, or fraud, which pose higher than normal risk exposure to the institution and raise questions for supervisory follow-up about the effectiveness of the institution's controls over its fiduciary activities. These data also are monitored off-site and used to make interim rating changes in the UITRS Earnings rating between scheduled examinations.

Data in the Schedule RC–T Memorandum items include the market values of managed assets held in fiduciary accounts by type of account and asset class and the number of collective investment funds and common trust funds and the market value of fund assets by type of fund. The exercise of investment discretion adds a significant element of risk to the administration of managed fiduciary accounts. The breakdowns by asset class and type of fund enable the agencies to monitor trends, both on a trust industry-wide basis and an individual trust institution basis, in how institutions with investment discretion are investing the assets of managed accounts and investment funds. The market value breakdowns of managed assets by asset class provide an indicator of complexity by separating more complex and hard-to-value assets that carry higher levels of risk from those assets that pose less risk. These data also contribute to effective examination scoping and staffing so that trust examiners can be assigned, and their time allocated, to examining those more complex and higher risk activities in which they have expertise. For example, the separately reported managed asset classes of real estate mortgages and real estate are distinctly different asset classes with different risk and return profiles, cash flows, and liquidity characteristics. Thus, concentrations in either of these asset classes may inform the supervisory strategy for managed fiduciary accounts, including the level of specialized expertise that may be required when there are concentrations in these asset classes.

Trust institutions also report the number of corporate and municipal debt issues for which the institution serves as trustee that are in substantive default and the outstanding principal amount of these debt issues. A substantive default occurs when the issuer fails to make a required payment of interest or principal, defaults on a required payment into a sinking fund, or is declared bankrupt or insolvent. The occurrence of a substantive default significantly raises the risk profile for the institution serving as an indenture trustee of a defaulted issue and can result in the incurrence of significant expenses and the distraction of managerial time and attention from other areas of trust administration. Thus, by monitoring the corporate trust data reported in Schedule RC–T between examinations, the agencies are able to identify changes in the risk profile of institutions acting as indenture trustees for timely supervisory follow-up and appropriate examination scoping and staffing.

The existence of fiduciary activities reported in Schedule RC–T may result in scoping certain areas of review into a consumer compliance examination, such as privacy and incentive-based cross-selling. The schedule also contains essential information for statistical and analytical purposes, including calculating the OCC assessments for independent trust banks.

Schedule RC–V (Variable Interest Entities) [FFIEC 031 and FFIEC 041 only]

Schedule RC–V collects information on an institution's consolidated variable interest entities (VIEs) as defined by FASB ASC Topic 810, Consolidation. The data are used in determining the extent to which an institution's VIEs have been created as securitization vehicles to pool and repackage mortgages, other assets, or other credit exposures into securities that have been or can be transferred to investors or for other purposes. Examiners and reviewers can quantify the level of cash and noninterest-bearing balances, securities, loans, and other assets as well as liabilities tied to VIEs that are reflected in the amounts reported in the corresponding asset and liability categories on the parent institution's consolidated balance sheet. While securitization activities present many risks, the data on VIEs are particularly useful for monitoring and examining credit risk or the risk to earnings performance from the VIEs' activities. Depending on the volume of an institution's VIEs, VIE assets that can be used only to settle obligations of the consolidated VIEs can also impact off-site assessments of the parent institution's liquidity position given the restrictions on the use of the VIEs' assets for borrowing purposes. Thus, the analysis of amounts reported in Schedule RC–V assists with planning the proper scoping and staffing of examinations of institutions with activities conducted through VIEs.

Appendix B

FFIEC 051: To Be Completed by Banks With Domestic Offices Only and Total Assets Less Than $1 Billion

Data Items Removed, Other Impacts to Data Items, or New or Increased Reporting Threshold

Data Items Removed

SCHEDULE RC–A, CASH AND BALANCES DUE FROM DEPOSITORY INSTITUTIONS, REMOVED

Schedule	Item	Item name	MDRM No.
RC–B	4.a.(1)	Residential mortgage pass-through securities: Guaranteed by GNMA (Columns A through D).	RCONG300, RCONG301, RCONG302, RCONG303.
RC–B	4.a.(2)	Residential mortgage pass-through securities: Issued by FNMA and FHLMC (Columns A through D). Note: Items 4.a.(1) and 4.a.(2) of Schedule RC–B will be combined into one data item (new item 4.a).	RCONG304, RCONG305, RCONG306, RCONG307.
RC–F	3.a	Interest-only strips receivable (not in the form of a security) on mortgage loans.	RCONA519.
RC–F	3.b	Interest-only strips receivable (not in the form of a security) on other financial assets. Note: Items 3.a and 3.b of Schedule RC–F will be combined into one data item (new item 3).	RCONA520.
RC–F	6.d	Retained interests in accrued interest receivable related to securitized credit cards.	RCONC436.
SU	8.e	Outstanding credit card fees and finance charges included in retail credit card receivables sold and securitized with servicing retained or with recourse or other seller-provided credit enhancements.	RCONC407.

Other Impacts to Data Items

Schedule	Item	Item name	MDRM No.
RC–B	4.a.(1) (New)	Residential mortgage pass-through securities: Issued or guaranteed by FNMA, FHLMC, or GNMA (Columns A through D). Note: Items 4.a.(1) and 4.a.(2) of Schedule RC–B will be combined into this data item.	To be determined (TBD)—4 MDRM Numbers.
RC–F	3 (New)	Interest-only strips receivable (not in the form of a security) Note: Items 3.a and 3.b of Schedule RC–F removed above will be combined into this data item.	TBD.

Data Items With a New or Increased Reporting Threshold

Schedule RC–T: Increase the threshold for the exemption from reporting Schedule RC–T items 14 through 26 institutions with fiduciary assets of $100 million or less to institutions with fiduciary assets of $250 million or less (that do not meet the fiduciary income test for quarterly reporting).

Schedule	Item	Item name	MDRM No.
RC–T	14	Income from personal trust and agency accounts	RIADB904.
RC–T	15.a	Income from employee benefit and retirement-related trust and agency accounts: Employee benefit—defined contribution.	RIADB905.
RC–T	15.b	Income from employee benefit and retirement-related trust and agency accounts: Employee benefit—defined benefit.	RIADB906.
RC–T	15.c	Income from employee benefit and retirement-related trust and agency accounts: Other employee benefit and retirement-related accounts.	RIADB907.
RC–T	16	Income from corporate trust and agency accounts	RIADA479.
RC–T	17	Income from investment management and investment advisory agency accounts.	RIADJ315.
RC–T	18	Income from foundation and endowment trust and agency accounts	RIADJ316.
RC–T	19	Income from other fiduciary accounts	RIADA480.
RC–T	20	Income from custody and safekeeping accounts	RIADB909.
RC–T	21	Other fiduciary and related services income	RIADB910.
RC–T	22	Total gross fiduciary and related services income	RIAD4070.
RC–T	23	Less: Expenses	RIADC058.
RC–T	24	Less: Net losses from fiduciary and related services	RIADA488.
RC–T	25	Plus: Intracompany income credits for fiduciary and related services	RIADB911.
RC–T	26	Net fiduciary and related services income	RIADA491.

To be completed by banks with collective investment funds and common trust funds with a total market value of $1 billion or more as of the preceding December 31.

Schedule	Item	Item name	MDRM No.
RC–T	M3.a	Collective investment funds and common trust funds: Domestic equity (Columns A and B).	RCONB931, RCONB932.
RC–T	M3.b	Collective investment funds and common trust funds: International/Global equity (Columns A and B).	RCONB933, RCONB934.
RC–T	M3.c	Collective investment funds and common trust funds: Stock/Bond blend (Columns A and B).	RCONB935, RCONB936.
RC–T	M3.d	Collective investment funds and common trust funds: Taxable bond (Columns A and B).	RCONB937, RCONB938.
RC–T	M3.e	Collective investment funds and common trust funds: Municipal bond (Columns A and B).	RCONB939, RCONB940.
RC–T	M3.f	Collective investment funds and common trust funds: Short-term investments/Money market (Columns A and B).	RCONB941, RCONB942.
RC–T	M3.g	Collective investment funds and common trust funds: Specialty/Other (Columns A and B).	RCONB943, RCONB944.

Appendix C

FFIEC 041: To Be Completed by Banks With Domestic Offices Only and Consolidated Total Assets Less Than $100 Billion, Except Those Banks That File the FFIEC 051

Data Items Removed, Other Impacts to Data Items, or New or Increased Reporting Threshold

Data Items Removed

Schedule	Item	Item name	MDRM No.
RC–A	2.a	Balances due from U.S. branches and agencies of foreign banks	RCON0083.
RC–A	2.b	Balances due from other commercial banks in the U.S. and other depository institutions in the U.S. Note: Items 2.a and 2.b of Schedule RC–A will be combined into one data item (new item 2).	RCON0085.
RC–A	3.a	Balances due from foreign branches of other U.S. banks	RCON0073.
RC–A	3.b	Balances due from other banks in foreign countries and foreign central banks Note: Items 3.a and 3.b of Schedule RC–A will be combined into one data item (new item 3).	RCON0074.
RC–F	3.a	Interest-only strips receivable (not in the form of a security) on mortgage loans.	RCONA519.
RC–F	3.b	Interest-only strips receivable (not in the form of a security) on other financial assets. Note: Items 3.a and 3.b of Schedule RC–F will be combined into one data item (new item 3).	RCONA520.
RC–F	6.d	Retained interests in accrued interest receivable related to securitized credit cards.	RCONC436.
RC–N	M5.b.(1)	Loans measured at fair value: Fair value (Columns A through C)	RCONF664, RCONF665, RCONF666.
RC–N	M5.b.(2)	Loans measured at fair value: Unpaid principal balance (Columns A through C).	RCONF667, RCONF668, RCONF669.
RC–P	1.a	Retail originations during the quarter of 1–4 family residential mortgage loans for sale: Closed-end first liens.	RCONF066.
RC–P	1.b	Retail originations during the quarter of 1–4 family residential mortgage loans for sale: Closed-end junior liens.	RCONF067.
RC–P	1.c.(1)	Retail originations during the quarter of 1–4 family residential mortgage loans for sale: Open-end loans extended under lines of credit: Total commitment under the lines of credit. Note: Items 1.a, 1.b, and 1.c.(1) of Schedule RC–P will be combined into one data item (new item 1).	RCONF670.
RC–P	1.c.(2)	Retail originations during the quarter of 1–4 family residential mortgage loans for sale: Open-end loans extended under lines of credit: Principal amount funded under the lines of credit.	RCONF671.
RC–P	2.a	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale: Closed-end first liens.	RCONF068.
RC–P	2.b	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale: Closed-end junior liens.	RCONF069.
RC–P	2.c.(1)	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale: Open-end loans extended under lines of credit: Total commitment under the lines of credit. Note: Items 2.a, 2.b, and 2.c.(1) of Schedule RC–P will be combined into one data item (new item 2).	RCONF672.
RC–P	2.c.(2)	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale: Open-end loans extended under lines of credit: Principal amount funded under the lines of credit.	RCONF673.
RC–P	3.a	1–4 family residential mortgage loans sold during the quarter: Closed-end first liens.	RCONF070.
RC–P	3.b	1–4 family residential mortgage loans sold during the quarter: Closed-end junior liens.	RCONF071.
RC–P	3.c.(1)	1–4 family residential mortgage loans sold during the quarter: Total commitment under the lines of credit. Note: Items 3.a, 3.b, and 3.c.(1) of Schedule RC–P will be combined into one data item (new item 3).	RCONF674.
RC–P	3.c.(2)	1–4 family residential mortgage loans sold during the quarter: Principal amount funded under the lines of credit.	RCONF675.
RC–P	4.a	1–4 family residential mortgage loans held for sale or trading at quarter-end: Closed-end first liens.	RCONF072.
RC–P	4.b	1–4 family residential mortgage loans held for sale or trading at quarter-end: Closed-end junior liens.	RCONF073.
RC–P	4.c.(1)	1–4 family residential mortgage loans held for sale or trading at quarter-end: Total commitment under the lines of credit. Note: Items 4.a, 4.b, and 4.c.(1) of Schedule RC–P will be combined into one data item (new item 4).	RCONF676.
RC–P	4.c.(2)	1–4 family residential mortgage loans held for sale or trading at quarter-end: Principal amount funded under the lines of credit.	RCONF677.
RC–P	5.a	Noninterest income for the quarter from the sale, securitization, and servicing of 1–4 family residential mortgage loans: Closed-end 1–4 family residential mortgage loans.	RIADF184.
RC–P	5.b	Noninterest income for the quarter from the sale, securitization, and servicing of 1–4 family residential mortgage loans: Open-end 1–4 family residential mortgage loans extended under lines of credit. Note: Items 5.a and 5.b of Schedule RC–P will be combined into one data item (new item 5).	RIADF560.

Schedule	Item	Item name	MDRM No.
RC–P	6.a	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter: Closed-end first liens.	RCONF678.
RC–P	6.b	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter: Closed-end junior liens.	RCONF679.
RC–P	6.c.(1)	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter: Total commitment under the lines of credit. Note: Items 6.a, 6.b, and 6.c.(1) of Schedule RC–P will be combined into one data item (new item 6).	RCONF680.
RC–P	6.c.(2)	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter: Principal amount funded under the lines of credit.	RCONF681.
RC–Q	2	Federal funds sold and securities purchased under agreements to resell (Columns A through E). Note: Item 2 of Schedule RC–Q will be included in item 6, All other assets.	RCONG478, RCONG479, RCONG480, RCONG481, RCONG482.
RC–Q	9	Federal funds purchased and securities sold under agreements to repurchase (Columns A through E).	RCONG507, RCONG508, RCONG509, RCONG510, RCONG511.
RC–Q	11	Other borrowed money (Columns A through E)	RCONG521, RCONG522, RCONG523, RCONG524, RCONG525.
RC–Q	12	Subordinated notes and debentures (Columns A through E) Note: Items 9, 11 and 12 of Schedule RC–Q will be included in item 13, All other liabilities.	RCONG526, RCONG527, RCONG528, RCONG529, RCONG530.
RC–Q	M3.a.(1)	Loans measured at fair value: Construction, land development, and other land loans.	RCONF578.
RC–Q	M3.a.(2)	Loans measured at fair value: Secured by farmland	RCONF579.
RC–Q	M3.a.(4)	Loans measured at fair value: Secured by multifamily (5 or more) residential properties.	RCONF583.
RC–Q	M3.a.(5)	Loans measured at fair value: Secured by nonfarm nonresidential properties Note: Items M3.a.(1), M3.a.(2), M3.a.(4), and M3.a.(5) of Schedule RC–Q will be combined into one data item (new item M3.a.(2)).	RCONF584.
RC–Q	M3.a.(3)(a)	Loans measured at fair value: Revolving, open-end loans secured by 1–4 family residential properties and extended under lines of credit.	RCONF580.
RC–Q	M3.a.(3)(b)(1)	Loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by first liens.	RCONF581.
RC–Q	M3.a.(3)(b)(2)	Loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by junior liens. Note: Items M3.a.(3)(a), M3.a.(3)(b)(1), and M3.a.(3)(b)(2) of Schedule RC–Q will be combined into one data item (new item M3.a.(1)).	RCONF582.
RC–Q	M3.c.(1)	Loans measured at fair value: Credit cards	RCONF586.
RC–Q	M3.c.(2)	Loans measured at fair value: Other revolving credit plans	RCONF587.
RC–Q	M3.c.(3)	Loans measured at fair value: Automobile loans	RCONK196.
RC–Q	M3.c.(4)	Loans measured at fair value: Other consumer loans Note: Items M3.c.(1), M3.c.(2), M3.c.(3), and M3.c.(4) of Schedule RC–Q will be combined into one data item (new item M3.c).	RCONK208.
RC–Q	M4.a.(1)	Unpaid principal balance of loans measured at fair value: Construction, land development, and other land loans.	RCONF590.
RC–Q	M4.a.(2)	Unpaid principal balance of loans measured at fair value: Secured by farmland.	RCONF591.
RC–Q	M4.a.(4)	Unpaid principal balance of loans measured at fair value: Secured by multifamily (5 or more) residential properties.	RCONF595.
RC–Q	M4.a.(5)	Unpaid principal balance of loans measured at fair value: Secured by nonfarm nonresidential properties. Note: Items M4.a.(1), M4.a.(2), M4.a.(4), and M4.a(5) of Schedule RC–Q will be combined into one data item (new item M4.a.(2)).	RCONF596.
RC–Q	M4.a.(3)(a)	Unpaid principal balance of loans measured at fair value: Revolving, open-end loans secured by 1–4 family residential properties and extended under lines of credit.	RCONF592.
RC–Q	M4.a.(3)(b)(1)	Unpaid principal balance of loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by first liens.	RCONF593.
RC–Q	M4.a.(3)(b)(2)	Unpaid principal balance of loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by junior liens. Note: Items M4.a.(3)(a), M4.a.(3)(b)(1), and M4.a.(3)(b)(2) of Schedule RC–Q will be combined into one data item (new item M4.a.(1)).	RCONF594.
RC–Q	M4.c.(1)	Unpaid principal balance of loans measured at fair value: Credit cards	RCONF598.
RC–Q	M4.c.(2)	Unpaid principal balance of loans measured at fair value: Other revolving credit plans.	RCONF599.
RC–Q	M4.c.(3)	Unpaid principal balance of loans measured at fair value: Automobile loans	RCONK195.
RC–Q	M4.c.(4)	Unpaid principal balance of loans measured at fair value: Other consumer loans. Note: Items M4.c.(1), M4.c.(2), M4.c.(3), and M4.c.(4) of Schedule RC–Q will be combined into one data item (new item M4.c).	RCONK209.

Schedule	Item	Item name	MDRM No.
RC–S	1	Outstanding principal balance of assets sold and securitized by the reporting bank with servicing retained or with recourse or other seller-provided credit enhancements (Columns B through F). Note: Item 1, Columns B through F, of Schedule RC–S will be included in item 1, Column G.	RCONB706, RCONB707, RCONB708, RCONB709, RCONB710.
RC–S	2.a	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to structures reported in item 1 in the form of: Credit-enhancing interest-only strips (Columns A through G).	RCONB712, RCONB713, RCONB714, RCONB715, RCONB716, RCONB717, RCONB718.
RC–S	2.b	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to structures reported in item 1 in the form of: Subordinated securities and other residual interests (Columns A through G).	RCONC393, RCONC394, RCONC395, RCONC396, RCONC397, RCONC398, RCONC399.
RC–S	2.c	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to structures reported in item 1 in the form of: Standby letters of credit and other enhancements (Columns A through G). Note: Items 2.a, 2.b, and 2.c, Columns A and G, of Schedule RC–S will be combined into one data item (new item 2) for Columns A and G.	RCONC400, RCONC401, RCONC402, RCONC403, RCONC404, RCONC405, RCONC406.
RC–S	3	Reporting bank's unused commitments to provide liquidity to structures reported in item 1 (Columns A through G).	RCONB726, RCONB727, RCONB728, RCONB729, RCONB730, RCONB731, RCONB732.
RC–S	4.a	Past due loan amounts included in item 1: 30–89 days past due (Columns B through F). Note: Item 4.a, Columns B through F, of Schedule RC–S will be included in item 4.a, Column G.	RCONB734, RCONB735, RCONB736, RCONB737, RCONB738.
RC–S	4.b	Past due loan amounts included in item 1: 90 days or more past due (Columns B through F). Note: Item 4.b, Columns B through F, of Schedule RC–S will be included in item 4.b, Column G.	RCONB741, RCONB742, RCONB743, RCONB744, RCONB745.
RC–S	5.a	Charge-offs and recoveries on assets sold and securitized with servicing retained or with recourse or other seller-provided credit enhancements: Charge-offs (Columns B through F). Note: Item 5.a, Columns B through F, of Schedule RC–S will be included in item 5.a, Column G.	RIADB748, RIADB749, RIADB750, RIADB751, RIADB752.
RC–S	5.b	Charge-offs and recoveries on assets sold and securitized with servicing retained or with recourse or other seller-provided credit enhancements: Recoveries (Columns B through F). Note: Item 5.b, Columns B through F, of Schedule RC–S will be included in item 5.b, Column G.	RIADB755, RIADB756, RIADB757, RIADB758, RIADB759.
RC–S	6.a	Amount of ownership (or seller's) interests carried as: Securities (Columns B, C, and F).	RCONB761, RCONB762, RCONB763.
RC–S	6.b	Amount of ownership (or seller's) interests carried as: Loans (Columns B, C, and F). Note: Items 6.a and 6.b, Columns B, C, and F, of Schedule RC–S will be combined into one data item (new item 6) for Column G.	RCONB500, RCONB501, RCONB502.
RC–S	7.a	Past due loan amounts included in interests reported in item 6.a: 30–89 days past due (Columns B, C, and F).	RCONB764, RCONB765, RCONB766.
RC–S	7.b	Past due loan amounts included in interests reported in item 6.a: 90 days or more past due (Columns B, C, and F).	RCONB767, RCONB768, RCONB769.
RC–S	8.a	Charge-offs and recoveries on loan amounts included in interests reported in item 6.a: 30–89 days past due (Columns B, C, and F).	RIADB770, RIADB771, RIADB772.
RC–S	8.b	Charge-offs and recoveries on loan amounts included in interests reported in item 6.a: 90 days or more past due (Columns B, C, and F).	RIADB773, RIADB774, RIADB775.
RC–S	9	Maximum amount of credit exposure arising from credit enhancements provided by the reporting bank to other institutions' securitization structures in the form of standby letters of credit, purchased subordinated securities, and other enhancements (Columns B through F). Note: Item 9, Columns B through F, of Schedule RC–S will be included in item 9, Column G.	RCONB777, RCONB778, RCONB779, RCONB780, RCONB781.
RC–S	10	Reporting bank's unused commitments to provide liquidity to other institutions' securitization structures (Columns B through F). Note: Item 10, Columns B through F, of Schedule RC–S will be included in item 10, Column G.	RCONB784, RCONB785, RCONB786, RCONB787, RCONB788.
RC–S	11	Assets sold with recourse or other seller-provided credit enhancements and not securitized by the reporting bank (Columns B through F). Note: Item 11, Columns B through F, of Schedule RC–S will be included in item 11, Column G.	RCONB791, RCONB792, RCONB793, RCONB794, RCONB795.

Schedule	Item	Item name	MDRM No.
RC–S	12	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to assets reported in item 11 (Columns B through F). Note: Item 12, Columns B through F, of Schedule RC–S will be included in item 12, Column G.	RCONB798, RCONB799, RCONB800, RCONB801, RCONB802.
RC–S	M1.a	Small business obligations transferred with recourse under Section 208 of the Riegle Community Development and Regulatory Improvement Act of 1994: Outstanding principal balance. Note: Item M.l.a of Schedule RC–S will be included in item 1 or item 11, Column G, as appropriate.	RCONA249.
RC–S	M1.b	Small business obligations transferred with recourse under Section 208 of the Riegle Community Development and Regulatory Improvement Act of 1994: Amount of retained recourse on these obligations as of the report date. Note: Item M.1.b of Schedule RC–S will be included in item 2 or 12, Column G, as appropriate.	RCONA250.
RC–V	All data items reported for ''ABCP Conduits'' (Column B).	ABCP Conduits (Column B) Note: Data items currently reported for ''ABCP Conduits'' (Column B) will be included in the ''Other VIEs'' column (Column C, to be relabeled as Column B) of Schedule RC–V by line item, as reflected below.	RCONJ982, RCONJ985, RCONJ988, RCONJ991 RCONJ994, RCONJ997, RCONK001, RCONK004, RCONK007, RCONK010, RCONK013, RCONK016, RCONK019, RCONK022 RCONK025, RCONK028, RCONK031, RCONK034.
RC–V	1.b	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Held-to-maturity securities (Columns A and C).	RCONJ984, RCONJ986.
RC–V	1.c	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Available-for-sale securities (Columns A and C). Note: Items 1.b and 1.c, Columns A and C, of Schedule RC–V will be combined into one data item (new item 1.b) for Columns A and C (the latter to be relabeled as Column B).	RCONJ987, RCONJ989.
RC–V	1.d	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Securities purchased under agreements to resell (Columns A and C). Note: Item 1.d, Columns A and C, of Schedule RC–V will be included in item 1.k, Other assets (renumbered as item 1.e), for Columns A and C (the latter to be relabeled as Column B).	RCONJ990, RCONJ992.
RC–V	1.e	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Loans and leases held for sale (Column A and C).	RCONJ993, RCONJ995.
RC–V	1.f	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Loans and leases held for investment (Column A and C).	RCONJ996, RCONJ998.
RC–V	1.g	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Less: Allowance for loan and lease losses (Columns A and C). Note: Items 1.e, 1.f, and 1.g, Columns A and C, of Schedule RC–V will be combined into one data item (new item 1.c) for Columns A and C (the latter to be relabeled as Column B).	RCONJ999, RCONK002.
RC–V	1.h	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Trading assets (other than derivatives) (Columns A and C). Note: Item 1.h, Columns A and C, of Schedule RC–V will be included in item 1.k, Other assets (renumbered as item 1.e), for Columns A and C (the latter to be relabeled as Column B).	RCONK003, RCONK005.
RC–V	1.i	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Derivative trading assets (Columns A and C). Note: Item 1.i, Columns A and C, of Schedule RC–V will be included in item 1.k, Other assets (renumbered as item 1.e), for Columns A and C (the latter to be relabeled as Column B).	RCONK006, RCONK008.
RC–V	2.a	Liabilities of consolidated VIEs for which creditors do not have recourse to the general credit of the reporting bank: Securities sold under agreements to repurchase (Columns A and C). Note: Item 2.a, Columns A and C, of Schedule RC–V will be included in item 2.e, Other liabilities (renumbered as item 2.b), for Columns A and C (the latter to be relabeled as Column B).	RCONK015, RCONK017.

Schedule	Item	Item name	MDRM No.
RC–V	2.b	Liabilities of consolidated VIEs for which creditors do not have recourse to the general credit of the reporting bank: Derivative trading liabilities (Columns A and C). Note: Item 2.b, Columns A and C, of Schedule RC–V will be included in item 2.e, Other liabilities (renumbered as item 2.b), for Columns A and C (the latter to be relabeled as Column B).	RCONK018, RCONK020.
RC–V	2.c	Liabilities of consolidated VIEs for which creditors do not have recourse to the general credit of the reporting bank: Commercial paper (Columns A and C). Note: Item 2.c, Columns A and C, of Schedule RC–V will be included in item 2.d, Other borrowed money (renumbered as item 2.a), for Columns A and C (the latter to be relabeled as Column B).	RCONK021, RCONK023.

Other Impacts to Data Items

Schedule	Item	Item name	MDRM No.
RC–A	2 (New)	Balances due from depository institutions in the U.S Note: Items 2.a. and 2.b of Schedule RC–A will be combined into this data item.	RCON0082.
RC–A	3 (New)	Balances due from banks in foreign countries and foreign central banks Note: Items 3.a. and 3.b of Schedule RC–A will be combined into this data item.	RCON0070.
RC–F	3 (New)	Interest-only strips receivable (not in the form of a security) Note: Items 3.a and 3.b of Schedule RC–F will be combined into this data item.	To be determined (TBD).
RC–P	1 (New)	Retail originations during the quarter of 1–4 family residential mortgage loans for sale. Note: Items 1.a, 1.b, and 1.c.(1) of Schedule RC-P will be combined into this data item.	TBD.
RC–P	2 (New)	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale. Note: Items 2.a, 2.b, and 2.c.(1) of Schedule RC-P will be combined into this data item.	TBD.
RC–P	3 (New)	1–4 family residential mortgage loans sold during the quarter Note: Items 3.a, 3.b, and 3.c.(1) of Schedule RC-P will be combined into this data item.	TBD.
RC–P	4 (New)	1–4 family residential mortgage loans held for sale or trading at quarter-end Note: Items 4.a, 4.b, and 4.c.(1) of Schedule RC-P will be combined into this data item.	TBD.
RC–P	5 (New)	Noninterest income for the quarter from the sale, securitization, and servicing of 1–4 family residential mortgage loans. Note: Items 5.a and 5.b of Schedule RC–P will be combined into this data item.	TBD.
RC–P	6 (New)	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter. Note: Items 6.a, 6.b, and 6.c.(1) of Schedule RC-P will be combined into this data item.	TBD.
RC–Q	M3.a.(1) (New)	Loans measured at fair value: Secured by 1–4 family residential properties Note: Items M3.a.(3)(a), M3.a.(3)(b)(1), and M3.a.(3)(b)(1) of Schedule RC–Q will be combined into this data item.	TBD.
RC–Q	M3.a.(2) (New)	Loans measured at fair value: All other loans secured by real estate Note: Items M3.a.(1), M3.a.(2), M3.a.(4), and M3.a.(5) of Schedule RC–Q will be combined into this data item.	TBD.
RC–Q	M3.c (New)	Loans measured at fair value: Loans to individuals for household, family, and other personal expenditures. Note: Items M3.c.(1), M3.c.(2), M3.c.(3), and M3.c.(4) of Schedule RC–Q will be combined into this data item.	TBD.
RC–Q	M4.a.(1) (New)	Unpaid principal balance of loans measured at fair value: Secured by 1–4 family residential properties. Note: Items M4.a.(3)(a), M4.a.(3)(b)(1), and M4.a.(3)(b)(2) of Schedule RC–Q will be combined into this data item.	TBD.
RC–Q	M4.a.(2) (New)	Unpaid principal balance of loans measured at fair value: All other loans secured by real estate. Note: Items M4.a.(1), M4.a.(2), M4.a.(4), and M4.a.(5) of Schedule RC–Q will be combined into this data item.	TBD.
RC–Q	M4.c (New)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures. Note: Items M4.c.(1), M4.c.(2), M4.c.(3), and M4.c.(4) of Schedule RC–Q will be combined into this data item.	TBD.

Schedule	Item	Item name	MDRM No.
RC–S	2 (New)	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to structures reported in item 1 (Columns A and G). Note: Items 2.a, 2.b, and 2.c, Columns A and G, of Schedule RC–S will be combined into this data item.	TBD (2 MDRM numbers).
RC–S	6 (New)	Total amount of ownership (or seller's) interest carried as securities or loans (Columns B, C, and F). Note: Items 6.a and 6.b, Columns B, C, and F, of Schedule RC–S will be combined into this data item for Column G.	TBD (3 MDRM Numbers).
RC–V	1.b (New)	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Securities (Columns A and C). Note: Items 1.b and 1.c, Columns A and C, of Schedule RC–V removed above will be combined into this data item for Columns A and C (the latter to be relabeled as Column B).	TBD (2 MDRM Numbers).
RC–V	1.c (New)	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Loans and leases held for investment, net of allowance, and held for sale (Columns A and C). Note: Items 1.e, 1.f, and 1.g, Columns A and C, of Schedule RC–V removed above will be combined into this data item for Columns A and C (the latter to be relabeled as Column B).	TBD (2 MDRM Numbers).
RC–V	5 (New)	Total assets of asset-backed commercial paper (ABCP) conduit VIEs	TBD.
RC–V	6 (New)	Total liabilities of ABCP conduit VIEs	TBD.

Data Items With a New or Increased Reporting Threshold

Schedule RC–P is to be completed by institutions where any of the following residential mortgage banking activities exceeds $10 million for two consecutive quarters:

- 1–4 family residential mortgage loan originations and purchases for resale from all sources during a calendar quarter; or
- 1–4 family residential mortgage loan sales during a calendar quarter; or
- 1–4 family residential mortgage loans held for sale or trading at calendar quarter-end.

Schedule RC–Q is to be completed by banks that: (1) Have elected to report financial instruments or servicing assets and liabilities at fair value under a fair value option with changes in fair value recognized in earnings, or (2) are required to complete Schedule RC–D, Trading Assets and Liabilities.

Schedule RC–T: Increase the threshold for the exemption from reporting Schedule RC–T, data items 14 through 26, from institutions with fiduciary assets of $100 million or less to institutions with fiduciary assets of $250 million or less (that do not meet the fiduciary income test for quarterly reporting).

Schedule	Item	Item name	MDRM No.
RC–T	14	Income from personal trust and agency accounts	RIADB904.
RC–T	15.a	Income from employee benefit and retirement-related trust and agency accounts: Employee benefit—defined contribution.	RIADB905.
RC–T	15.b	Income from employee benefit and retirement-related trust and agency accounts: Employee benefit—defined benefit.	RIADB906.
RC–T	15.c	Income from employee benefit and retirement-related trust and agency accounts: Other employee benefit and retirement-related accounts.	RIADB907.
RC–T	16	Income from corporate trust and agency accounts	RIADA479.
RC–T	17	Income from investment management and investment advisory agency accounts.	RIADJ315.
RC–T	18	Income from foundation and endowment trust and agency accounts	RIADJ316.
RC–T	19	Income from other fiduciary accounts	RIADA480.
RC–T	20	Income from custody and safekeeping accounts	RIADB909.
RC–T	21	Other fiduciary and related services income	RIADB910.
RC–T	22	Total gross fiduciary and related services income	RIAD4070.
RC–T	23	Less: Expenses	RIADC058.
RC–T	24	Less: Net losses from fiduciary and related services	RIADA488.
RC–T	25	Plus: Intracompany income credits for fiduciary and related services	RIADB911.
RC–T	26	Net fiduciary and related services income	RIADA491.

To be completed by banks with collective investment funds and common trust funds with a total market value of $1 billion or more as of the preceding December 31.

Schedule	Item	Item name	MDRM No.
RC–T	M3.a	Collective investment funds and common trust funds: Domestic equity (Columns A and B).	RCONB931, RCONB932.
RC–T	M3.b	Collective investment funds and common trust funds: International/Global equity (Columns A and B).	RCONB933, RCONB934.
RC–T	M3.c	Collective investment funds and common trust funds: Stock/Bond blend (Columns A and B).	RCONB935, RCONB936.
RC–T	M3.d	Collective investment funds and common trust funds: Taxable bond (Columns A and B).	RCONB937, RCONB938.

Schedule	Item	Item name	MDRM No.
RC–T	M3.e	Collective investment funds and common trust funds: Municipal bond (Columns A and B).	RCONB939, RCONB940.
RC–T	M3.f	Collective investment funds and common trust funds: Short-term investments/Money market (Columns A and B).	RCONB941, RCONB942.
RC–T	M3.g	Collective investment funds and common trust funds: Specialty/Other (Columns A and B).	RCONB943, RCONB944.

To be completed by banks with $10 billion or more in total assets.

Schedule	Item	Item name	MDRM No.
RC–S	6 (New)	Total amount of ownership (or seller's) interest carried as securities or loans (Column G).	TBD.
RC–S	10	Reporting bank's unused commitments to provide liquidity to other institutions' securitization structures (Columns A and G).	RCONB783, RCONB789.
RC–S	M3.a.(1)	Asset-backed commercial paper conduits: Maximum amount of credit exposure arising from credit enhancements provided to conduit structures in the form of standby letters of credit, subordinated securities, and other enhancements: Conduits sponsored by the bank, a bank affiliate, or the bank's holding company.	RCONB806.
RC–S	M3.a.(2)	Asset-backed commercial paper conduits: Maximum amount of credit exposure arising from credit enhancements provided to conduit structures in the form of standby letters of credit, subordinated securities, and other enhancements: Conduits sponsored by other unrelated institutions.	RCONB807.
RC–S	M3.b.(1)	Asset-backed commercial paper conduits: Unused commitments to provide liquidity to conduit structures: Conduits sponsored by the bank, a bank affiliate, or the bank's holding company.	RCONB808.
RC–S	M3.b.(2)	Asset-backed commercial paper conduits: Unused commitments to provide liquidity to conduit structures: Conduits sponsored by other unrelated institutions.	RCONB809.
RC–S	M4	Outstanding credit card fees and finance charges included in Schedule RC–S, item 1, column C. Note: With the combining of Columns B through F of item 1 of Schedule RC–S into item 1, Column G, of Schedule RC–S, the reference to column C in the caption for M4 will be changed to column G.	RCONC407.

Appendix D

FFIEC 031: To Be Completed By Banks With Domestic and Foreign Offices and Banks With Domestic Offices Only and Consolidated Total Assets of $100 Billion or More

Data Items Removed, Other Impacts to Data Items, or New or Increased Reporting Threshold

Data Items Removed

Schedule	Item	Item name	MDRM No.
RC–A	2.a	Balances due from U.S. branches and agencies of foreign banks (Column A)	RCFD0083.
RC–A	2.b	Balances due from other commercial banks in the U.S. and other depository institutions in the U.S. (Column A). Note: Items 2.a and 2.b (Column A), of Schedule RC–A will be combined into one data item (new item 2).	RCFD0085.
RC–A	3.a	Balances due from foreign branches of other U.S. banks (Column A)	RCFD0073.
RC–A	3.b	Balances due from other banks in foreign countries and foreign central banks (Column A). Note: Items 3.a and 3.b (Column A), of Schedule RC–A will be combined into one data item (new item 3).	RCFD0074.
RC–F	3.a	Interest-only strips receivable (not in the form of a security) on mortgage loans.	RCFDA519.
RC–F	3.b	Interest-only strips receivable (not in the form of a security) on other financial assets. Note: Items 3.a and 3.b of Schedule RC–F will be combined into one data item (new item 3).	RCFDA520.
RC–F	6.d	Retained interests in accrued interest receivable related to securitized credit cards.	RCFDC436.

Schedule	Item	Item name	MDRM No.
RC–N	M5.b.(1)	Loans measured at fair value: Fair value (Columns A through C)	RCFDF664, RCFDF665, RCFDF666.
RC–N	M5.b.(2)	Loans measured at fair value: Unpaid principal balance (Columns A through C).	RCFDF667, RCFDF668, RCFDF669.
RC–P	1.a	Retail originations during the quarter of 1–4 family residential mortgage loans for sale: Closed-end first liens.	RCONF066.
RC–P	1.b	Retail originations during the quarter of 1–4 family residential mortgage loans for sale: Closed-end junior liens.	RCONF067.
RC–P	1.c.(1)	Retail originations during the quarter of 1–4 family residential mortgage loans for sale: Open-end loans extended under lines of credit: Total commitment under the lines of credit. Note: Items 1.a, 1.b, and 1.c.(1) of Schedule RC–P will be combined into one data item (new item 1).	RCONF670.
RC–P	1.c.(2)	Retail originations during the quarter of 1–4 family residential mortgage loans for sale: Open-end loans extended under lines of credit: Principal amount funded under the lines of credit.	RCONF671.
RC–P	2.a	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale: Closed-end first liens.	RCONF068.
RC–P	2.b	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale: Closed-end junior liens.	RCONF069.
RC–P	2.c.(1)	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale: Open-end loans extended under lines of credit: Total commitment under the lines of credit. Note: Items 2.a, 2.b, and 2.c.(1) of Schedule RC–P will be combined into one data item (new item 2).	RCONF672.
RC–P	2.c.(2)	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale: Open-end loans extended under lines of credit: Principal amount funded under the lines of credit.	RCONF673.
RC–P	3.a	1–4 family residential mortgage loans sold during the quarter: Closed-end first liens.	RCONF070.
RC–P	3.b	1–4 family residential mortgage loans sold during the quarter: Closed-end junior liens.	RCONF071.
RC–P	3.c.(1)	1–4 family residential mortgage loans sold during the quarter: Total commitment under the lines of credit. Note: Items 3.a, 3.b, and 3.c.(1) of Schedule RC–P will be combined into one data item (new item 3).	RCONF674.
RC–P	3.c.(2)	1–4 family residential mortgage loans sold during the quarter: Principal amount funded under the lines of credit.	RCONF675.
RC–P	4.a	1–4 family residential mortgage loans held for sale or trading at quarter-end: Closed-end first liens.	RCONF072.
RC–P	4.b	1–4 family residential mortgage loans held for sale or trading at quarter-end: Closed-end junior liens.	RCONF073.
RC–P	4.c.(1)	1–4 family residential mortgage loans held for sale or trading at quarter-end: Total commitment under the lines of credit. Note: Items 4.a, 4.b, and 4.c.(1) of Schedule RC–P will be combined into one data item (new item 4).	RCONF676.
RC–P	4.c.(2)	1–4 family residential mortgage loans held for sale or trading at quarter-end: Principal amount funded under the lines of credit.	RCONF677.
RC–P	5.a	Noninterest income for the quarter from the sale, securitization, and servicing of 1–4 family residential mortgage loans: Closed-end 1–4 family residential mortgage loans.	RIADF184.
RC–P	5.b	Noninterest income for the quarter from the sale, securitization, and servicing of 1–4 family residential mortgage loans: Open-end 1–4 family residential mortgage loans extended under lines of credit. Note: Items 5.a and 5.b of Schedule RC–P will be combined into one data item (new item 5).	RIADF560.
RC–P	6.a	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter: Closed-end first liens.	RCONF678.
RC–P	6.b	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter: Closed-end junior liens.	RCONF679.
RC–P	6.c.(1)	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter: Total commitment under the lines of credit. Note: Items 6.a, 6.b, and 6.c.(1) of Schedule RC–P will be combined into one data item (new item 6).	RCONF680.
RC–P	6.c.(2)	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter: Principal amount funded under the lines of credit.	RCONF681.
RC–Q	M3.a	Loans measured at fair value: Loans secured by real estate (Column A)	RCFDF608.
RC–Q	M3.a.(1)	Loans measured at fair value: Construction, land development, and other land loans (Column B).	RCONF578.
RC–Q	M3.a.(2)	Loans measured at fair value: Secured by farmland (Column B)	RCONF579.
RC–Q	M3.a.(4)	Loans measured at fair value: Secured by multifamily (5 or more) residential properties (Column B).	RCONF583.
RC–Q	M3.a.(5)	Loans measured at fair value: Secured by nonfarm nonresidential properties (Column B).	RCONF584.

Schedule	Item	Item name	MDRM No.
		Note: Items M3.a.(1), M3.a.(2), M3.a.(4), and M3.a.(5), Column B, of Schedule RC–Q will be combined into one data item for the consolidated bank (new item M3.a.(2), Column A).	
RC–Q	M3.a.(3)(a)	Loans measured at fair value: Revolving, open-end loans secured by 1–4 family residential properties and extended under lines of credit (Column B).	RCONF580.
RC–Q	M3.a.(3)(b)(1)	Loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by first liens (Column B).	RCONF581.
RC–Q	M3.a.(3)(b)(2)	Loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by junior liens (Column B).	RCONF582.
		Note: Items M3.a.(3)(a), M3.a.(3)(b)(1), and M3.a.(3)(b)(2), Column B, of Schedule RC–Q will be combined into one data item for the consolidated bank (new item M3.a.(1), Column A).	
RC–Q	M3.b	Loans measured at fair value: Commercial and industrial loans (Column B)	RCONF585.
RC–Q	M3.c.(1)	Loans measured at fair value: Credit cards (Columns A and B)	RCFDF586, RCONF586.
RC–Q	M3.c.(2)	Loans measured at fair value: Other revolving credit plans (Columns A and B).	RCFDF587, RCONF587.
RC–Q	M3.c.(3)	Loans measured at fair value: Automobile loans (Columns A and B)	RCFDK196, RCONK196.
RC–Q	M3.c.(4)	Loans measured at fair value: Other consumer loans (Columns A and B)	RCFDK208, RCONK208.
		Note: Items M3.c.(1), M3.c.(2), M3.c.(3), and M3.c.(4), Column A, of Schedule RC–Q will be combined into one data item for the consolidated bank (new item M3.c, Column A).	
RC–Q	M3.d	Loans measured at fair value: Other loans (Column B)	RCONF589.
RC–Q	M4.a	Unpaid principal balance of loans measured at fair value: Loans secured by real estate (Column A).	RCFDF609.
RC–Q	M4.a.(1)	Unpaid principal balance of loans measured at fair value: Construction, land development, and other land loans (Column B).	RCONF590.
RC–Q	M4.a.(2)	Unpaid principal balance of loans measured at fair value: Secured by farmland (Column B).	RCONF591.
RC–Q	M4.a.(4)	Unpaid principal balance of loans measured at fair value: Secured by multifamily (5 or more) residential properties (Column B).	RCONF595.
RC–Q	M4.a.(5)	Unpaid principal balance of loans measured at fair value: Secured by nonfarm nonresidential properties (Column B).	RCONF596.
		Note: Items M4.a.(1), M4.a.(2), M4.a.(4), and M4.a.(5), Column B, of Schedule RC–Q will be combined into one data item for the consolidated bank (new item M4.a.(2), Column A).	
RC–Q	M4.a.(3)(a)	Unpaid principal balance of loans measured at fair value: Revolving, open-end loans secured by 1–4 family residential properties and extended under lines of credit (Column B).	RCONF592.
RC–Q	M4.a.(3)(b)(1)	Unpaid principal balance of loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by first liens (Column B).	RCONF593.
RC–Q	M4.a.(3)(b)(2)	Unpaid principal balance of loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by junior liens (Column B).	RCONF594.
		Note: Items M4.a.(3)(a), M4.a.(3)(b)(1), and M4.a.(3)(b)(2), Column B, of Schedule RC–Q will be combined into one data item for the consolidated bank (new item M4.a.(1), Column A).	
RC–Q	M4.b	Unpaid principal balance of loans measured at fair value: Commercial and industrial loans (Column B).	RCONF597.
RC–Q	M4.c.(1)	Unpaid principal balance of loans measured at fair value: Credit cards (Columns A and B).	RCFDF598, RCONF598.
RC–Q	M4.c.(2)	Unpaid principal balance of loans measured at fair value: Other revolving credit plans (Columns A and B).	RCFDF599, RCONF599.
RC–Q	M4.c.(3)	Unpaid principal balance of loans measured at fair value: Automobile loans (Columns A and B).	RCFDK195, RCONK195.
RC–Q	M4.c.(4)	Unpaid principal balance of loans measured at fair value: Other consumer loans (Columns A and B).	RCFDK209, RCONK209.
		Note: Items M4.c.(1), M4.c.(2), M4.c.(3) and M4.c.(4), Column A, of Schedule RC–Q will be combined into one data item for the consolidated bank (new item M4.c, Column A).	
RC–Q	M4.d	Unpaid principal balance of loans measured at fair value: Other loans (Column B).	RCONF601.
RC–S	2.a	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to structures reported in item 1 in the form of: Credit-enhancing interest-only strips (Columns A through G).	RCFDB712, RCFDB713, RCFDB714, RCFDB715, RCFDB716, RCFDB717, RCFDB718.
RC–S	2.b	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to structures reported in item 1 in the form of: Subordinated securities and other residual interests (Columns A through G).	RCFDC393, RCFDC394, RCFDC395, RCFDC396, RCFDC397, RCFDC398, RCFDC399.
RC–S	2.c	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to structures reported in item 1 in the form of: Standby letters of credit and other enhancements (Columns A through G).	RCFDC400, RCFDC401, RCFDC402, RCFDC403, RCFDC404, RCFDC405, RCFDC406.

Schedule	Item	Item name	MDRM No.
		Note: Items 2.a, 2.b, and 2.c, Columns A through G, of Schedule RC–S will be combined into one data item (new item 2) for Columns A through G.	
RC–S	6.a	Amount of ownership (or seller's) interests carried as: Securities (Columns B, C and F).	RCFDB761, RCFDB762, RCFDB763.
RC–S	6.b	Amount of ownership (or seller's) interests carried as: Loans (Columns B, C and F).	
		Note: Items 6.a and 6.b, Columns B, C, and F, of Schedule RC–S will be combined into one data item (new item 6)..	RCFDB500, RCFDB501, RCFDB502.
RC–S	7.a	Past due loan amounts included in interests reported in item 6.a: 30–89 days past due (Columns B, C, and F).	RCFDB764, RCFDB765, RCFDB766.
RC–S	7.b	Past due loan amounts included in interests reported in item 6.a: 90 days or more past due (Columns B, C, and F).	RCFDB767, RCFDB768, RCFDB769.
RC–S	8.a	Charge-offs and recoveries on loan amounts included in interests reported in item 6.a: 30–89 days past due (Columns B, C, and F).	RIADB770, RIADB771, RIADB772.
RC–S	8.b	Charge-offs and recoveries on loan amounts included in interests reported in item 6.a: 90 days or more past due (Columns B, C, and F).	RIADB773, RIADB774, RIADB775.
RC–S	9	Maximum amount of credit exposure arising from credit enhancements provided by the reporting bank to other institutions' securitization structures in the form of standby letters of credit, purchased subordinated securities, and other enhancements (Columns B and C).	RCFDB777, RCFDB778.
		Note: Item 9, Columns B and C, of Schedule RC-S will be included in item 9, Column G.	
RC–S	10	Reporting bank's unused commitments to provide liquidity to other institutions' securitization structures (Columns B and C).	RCFDB784, RCFDB785.
		Note: Item 10, Columns B and C, of Schedule RC-S will be included in item 10, Column G.	
RC–S	11	Assets sold with recourse or other seller-provided credit enhancements and not securitized by the reporting bank (Columns B through F).	RCFDB791, RCFDB792, RCFDB793, RCFDB794, RCFDB795.
		Note: Item 11, Columns B through F, of Schedule RC-S will be included in item 11, Column G.	
RC–S	12	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to assets reported in item 11 (Columns B through F).	RCFDB798, RCFDB799, RCFDB800, RCFDB801, RCFDB802.
		Note: Item 12, Columns B through F, of Schedule RC-S will be included in item 12, Column G.	
RC–S	M1.a	Small business obligations transferred with recourse under Section 208 of the Riegle Community Development and Regulatory Improvement Act of 1994: Outstanding principal balance.	RCFDA249.
		Note: Item M1.a of Schedule RC–S will be included in item 1 or item 11, Column F, as appropriate.	
RC–S	M1.b	Small business obligations transferred with recourse under Section 208 of the Riegle Community Development and Regulatory Improvement Act of 1994: Amount of retained recourse on these obligations as of the report date.	RCFDA250.
		Note: Item M1.b of Schedule RC–S will be included in item 2 or item 12, Column F, as appropriate.	
RC–V	All data items reported for ''ABCP Conduits'' (Column B).	ABCP Conduits (Column B)	RCFDJ982, RCFDJ985, RCFDJ988, RCFDJ991 RCFDJ994, RCFDJ997, RCFDK001, RCFDK004, RCFDK007, RCFDK010, RCFDK013, RCFDK016, RCFDK019, RCFDK022 RCFDK025, RCFDK028 RCFDK031, RCFDK034.
		Note: Data items currently reported for ''ABCP Conduits'' (Column B) will be included in the ''Other VIEs'' column (Column C, to be relabeled as Column B) of Schedule RC–V by line item, as reflected below.	
RC–V	1.b	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Held-to-maturity securities (Columns A and C).	RCFDJ984, RCFDJ986.
RC–V	1.c	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Available-for-sale securities (Columns A and C).	RCFDJ987, RCFDJ989.
		Note: Items 1.b and 1.c, Columns A and C, of Schedule RC–V will be combined into one data item (new item 1.b) for Columns A and C.	
RC–V	1.d	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Securities purchased under agreements to resell (Columns A and C).	RCFDJ990, RCFDJ992.
		Note: Item 1.d, Columns A and C, of Schedule RC–V will be included in item 1.k, Other assets (renumbered as item 1.b), for Columns A and C (the latter to be relabeled as Column B).	

Schedule	Item	Item name	MDRM No.
RC–V	1.e	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Loans and leases held for sale (Column A and C).	RCFDJ993, RCFDJ995.
RC–V	1.f	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Loans and leases held for investment (Column A and C).	RCFDJ996, RCFDJ998.
RC–V	1.g	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Less: Allowance for loan and lease losses (Columns A and C). Note: Items 1.e, 1.f, and 1.g, Columns A and C, of Schedule RC–V will be combined into one data item (new item 1.c) for Columns A and C (the latter to be relabeled as Column B).	RCFDJ999, RCFDK002.
RC–V	1.h	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Trading assets (other than derivatives) (Columns A and C). Note: Item 1.h, Columns A and C, of Schedule RC–V will be included in item 1.k (renumbered as item 1.e), Other assets, for Columns A and C (the latter to be relabeled as Column B).	RCFDK003, RCFDK005.
RC–V	1.i	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Derivative trading assets (Columns A and C). Note: Item 1.i, Columns A and C, of Schedule RC–V will be included in item 1.k, Other assets (renumbered as item 1.e), for Columns A and C (the latter to be relabeled as Column B).	RCFDK006, RCFDK008.
RC–V	2.a	Liabilities of consolidated VIEs for which creditors do not have recourse to the general credit of the reporting bank: Securities sold under agreements to repurchase (Columns A and C). Note: Item 2.a, Columns A and C, of Schedule RC–V will be included in item 2.e, Other liabilities (renumbered as item 2.b), for Columns A and C (the latter to be relabeled as Column B).	RCFDK015, RCFDK017.
RC–V	2.b	Liabilities of consolidated VIEs for which creditors do not have recourse to the general credit of the reporting bank: Derivative trading liabilities (Columns A and C). Note: Item 2.b, Columns A and C, of Schedule RC–V will be included in item 2.e, Other liabilities (renumbered as item 2.b), for Columns A and C (the latter to be relabeled as Column B).	RCFDK018, RCFDK020.
RC–V	2.c	Liabilities of consolidated VIEs for which creditors do not have recourse to the general credit of the reporting bank: Commercial paper (Columns A and C). Note: Item 2.c, Columns A and C, of Schedule RC–V will be included in item 2.d, Other borrowed money (renumbered as item 2.a), for Columns A and C (the latter to be relabeled as Column B).	RCFDK021, RCFDK023.

Other Impacts to Data Items

Schedule	Item	Item name	MDRM No.
RC–A	2 (New)	Balances due from depository institutions in the U.S. (Column A) Note: Items 2.a. and 2.b (Column A), of Schedule RC–A will be combined into this data item.	RCFD0082.
RC–A	3 (New)	Balances due from banks in foreign countries and foreign central banks (Column A). Note: Items 3.a. and 3.b (Column A), of Schedule RC–A will be combined into this data item.	RCFD0070.
RC–F	3 (New)	Interest-only strips receivable (not in the form of a security) Note: Items 3.a and 3.b of Schedule RC–F will be combined into this data item.	To be determined (TBD).
RC–H	22 (New)	Total amount of fair value option loans held for investment and held for sale Note: The proposed threshold change applicable to Schedule RC–Q applies to this item.	TBD.
RC–P	1 (New)	Retail originations during the quarter of 1–4 family residential mortgage loans for sale. Note: Items 1.a, 1.b, and 1.c.(1) of Schedule RC–P will be combined into this data item.	TBD.
RC–P	2 (New)	Wholesale originations and purchases during the quarter of 1–4 family residential mortgage loans for sale. Note: Items 2.a, 2.b, and 2.c.(1) of Schedule RC–P will be combined into this data item.	TBD.
RC–P	3 (New)	1–4 family residential mortgage loans sold during the quarter Note: Items 3.a, 3.b, and 3.c.(1) of Schedule RC–P will be combined into this data item.	TBD.
RC–P	4 (New)	1–4 family residential mortgage loans held for sale or trading at quarter-end	TBD.

Schedule	Item	Item name	MDRM No.
		Note: Items 4.a, 4.b, and 4.c.(1) of Schedule RC–P will be combined into this data item.	
RC–P	5 (New)	Noninterest income for the quarter from the sale, securitization, and servicing of 1–4 family residential mortgage loans. Note: Items 5.a and 5.b of Schedule RC–P will be combined into this data item.	TBD.
RC–P	6 (New)	Repurchases and indemnifications of 1–4 family residential mortgage loans during the quarter. Note: Items 6.a, 6.b, and 6.c.(1) of Schedule RC–P will be combined into this data item.	TBD.
RC–Q	M3.a.(1) (New)	Loans measured at fair value: Secured by 1–4 family residential properties (Column A). Note: Items M3.a.(3)(a), M3.a.(3)(b)(1), and M3.a.(3)(b)(2), Column B, of Schedule RC–Q will be combined into this data item for the consolidated bank.	TBD.
RC–Q	M3.a.(2) (New)	Loans measured at fair value: All other loans secured by real estate (Column A). Note: Items M3.a.(1), M3.a.(2), M3.a.(4), and M3.a.(5), Column B, of Schedule RC–Q will be combined into this data item for the consolidated bank.	TBD.
RC–Q	M3.c (New)	Loans measured at fair value: Loans to individuals for household, family, and other personal expenditures (Column A). Note: Items M3.c.(1), M3.c.(2), M3.c.(3), and M3.c.(4), Column A, of Schedule RC–Q will be combined into this data item.	TBD.
RC–Q	M4.a.(1) (New)	Unpaid principal balance of loans measured at fair value: Secured by 1–4 family residential properties (Column A). Note: Items M4.a.(3)(a), M4.a.(3)(b)(1), and M4.a.(3)(b)(2), Column B, of Schedule RC–Q will be combined into this data item for the consolidated bank.	TBD.
RC–Q	M4.a.(2) (New)	Unpaid principal balance of loans measured at fair value: All other loans secured by real estate (Column A). Note: Items M4.a.(1), M4.a.(2), M4.a.(4), and M4.a.(5), Column B, of Schedule RC–Q will be combined into this data item for the consolidated bank.	TBD.
RC–Q	M4.c (New)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures (Column A). Note: Items M4.c.(1), M4.c.(2), M4.c.(3), and M4.c.(4), Column A, of Schedule RC–Q will be combined into this data item.	TBD.
RC–S	2 (New)	Maximum amount of credit exposure arising from recourse or other seller-provided credit enhancements provided to structures reported in item 1 (Columns A through G). Note: Items 2.a, 2.b, and 2.c, Columns A through G, of Schedule RC–S will be combined into this data item.	TBD (7 MDRM Numbers).
RC–S	6 (New)	Total amount of ownership (or seller's) interest carried as securities or loans (Columns B, C, and F). Note: Items 6.a and 6.b, Columns B, C, and F, of Schedule RC–S will be combined into this data item.	TBD (3 MDRM Numbers).
RC–V	1.b (New)	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Securities (Columns A and C). Note: Items 1.b and 1.c, Columns A and C, of Schedule RC–V removed above will be combined into this data item for Columns A and C (the latter to be relabeled as Column B).	TBD (2 MDRM Numbers).
RC–V	1.c (New)	Assets of consolidated variable interest entities (VIEs) that can be used only to settle obligations of the consolidated VIEs: Loans and leases held for investment, net of allowance, and held for sale (Columns A and C). Note: Items 1.e, 1.f, and 1.g, Columns A and C, of Schedule RC–V removed above will be combined into this data item for Columns A and C (the latter to be relabeled as Column B).	TBD (2 MDRM Numbers).
RC–V	5 (New)	Total assets of asset-backed commercial paper (ABCP) conduit VIEs	TBD.
RC–V	6 (New)	Total liabilities of ABCP conduit VIEs	TBD.

Data Items With a New or Increased Reporting Threshold

Schedule RC–P is to be completed by institutions where any of the following residential mortgage banking activities (in domestic offices) exceeds $10 million for two consecutive quarters:

- 1–4 family residential mortgage loan originations and purchases for resale from all sources during a calendar quarter; or
- 1–4 family residential mortgage loan sales during a calendar quarter; or
- 1–4 family residential mortgage loans held for sale or trading at calendar quarter-end.

Schedule RC–Q is to be completed by banks that: (1) Have elected to report financial instruments or servicing assets and liabilities at fair value under a fair value option with changes in fair value recognized in earnings, or (2) are required to complete Schedule RC–D, Trading Assets and Liabilities.

Schedule RC–T: Increase the threshold for the exemption from reporting Schedule RC–T, data items 14 through 26, from institutions with fiduciary assets of $100 million or less to institutions with fiduciary assets of $250 million or less (that do not meet the fiduciary income test for quarterly reporting).

Schedule	Item	Item name	MDRM No.
RC–T	14	Income from personal trust and agency accounts	RIADB904.
RC–T	15.a	Income from employee benefit and retirement-related trust and agency accounts: Employee benefit—defined contribution.	RIADB905.
RC–T	15.b	Income from employee benefit and retirement-related trust and agency accounts: Employee benefit—defined benefit.	RIADB906.
RC–T	15.c	Income from employee benefit and retirement-related trust and agency accounts: Other employee benefit and retirement-related accounts.	RIADB907.
RC–T	16	Income from corporate trust and agency accounts	RIADA479.
RC–T	17	Income from investment management and investment advisory agency accounts.	RIADJ315.
RC–T	18	Income from foundation and endowment trust and agency accounts	RIADJ316.
RC–T	19	Income from other fiduciary accounts	RIADA480.
RC–T	20	Income from custody and safekeeping accounts	RIADB909.
RC–T	21	Other fiduciary and related services income	RIADB910.
RC–T	22	Total gross fiduciary and related services income	RIAD4070.
RC–T	23	Less: Expenses	RIADC058.
RC–T	24	Less: Net losses from fiduciary and related services	RIADA488
RC–T	25	Plus: Intracompany income credits for fiduciary and related services	RIADB911.
RC–T	26	Net fiduciary and related services income	RIADA491.

To be completed by banks with collective investment funds and common trust funds with a total market value of $1 billion or more as of the preceding December 31.

Schedule	Item	Item name	MDRM No.
RC–T	M3.a	Collective investment funds and common trust funds: Domestic equity (Columns A and B).	RCFDB931, RCFDB932.
RC–T	M3.b	Collective investment funds and common trust funds: International/Global equity (Columns A and B).	RCFDB933, RCFDB934.
RC–T	M3.c	Collective investment funds and common trust funds: Stock/Bond blend (Columns A and B).	RCFDB935, RCFDB936.
RC–T	M3.d	Collective investment funds and common trust funds: Taxable bond (Columns A and B).	RCFDB937, RCFDB938.
RC–T	M3.e	Collective investment funds and common trust funds: Municipal bond (Columns A and B).	RCFDB939, RCFDB940.
RC–T	M3.f	Collective investment funds and common trust funds: Short-term investments/Money market (Columns A and B).	RCFDB941, RCFDB942.
RC–T	M3.g	Collective investment funds and common trust funds: Specialty/Other (Columns A and B).	RCFDB943, RCFDB944.

To be completed by banks with $10 billion or more in total assets.

Schedule	Item	Item name	MDRM No.
RC–S	6 (New)	Total amount of ownership (or seller's) interest carried as securities or loans (Columns B, C, and F).	TBD (3 MDRM Numbers).
RC–S	10	Reporting bank's unused commitments to provide liquidity to other institutions' securitization structures (Columns A and D through G).	RCFDB783, RCFDB786, RCFDB787, RCFDB788, RCFDB789.
RC–S	M3.a.(1)	Asset-backed commercial paper conduits: Maximum amount of credit exposure arising from credit enhancements provided to conduit structures in the form of standby letters of credit, subordinated securities, and other enhancements: Conduits sponsored by the bank, a bank affiliate, or the bank's holding company.	RCFDB806.
RC–S	M3.a.(2)	Asset-backed commercial paper conduits: Maximum amount of credit exposure arising from credit enhancements provided to conduit structures in the form of standby letters of credit, subordinated securities, and other enhancements: Conduits sponsored by other unrelated institutions.	RCFDB807.
RC–S	M3.b.(1)	Asset-backed commercial paper conduits: Unused commitments to provide liquidity to conduit structures: Conduits sponsored by the bank, a bank affiliate, or the bank's holding company.	RCFDB808.
RC–S	M3.b.(2)	Asset-backed commercial paper conduits: Unused commitments to provide liquidity to conduit structures: Conduits sponsored by other unrelated institutions.	RCFDB809.
RC–S	M4	Outstanding credit card fees and finance charges included in Schedule RC–S, item 1, column C.	RCFDC407.

To be completed by banks with $100 billion or more in total assets.

Schedule	Item	Item name	MDRM No.
RC–S	3	Reporting bank's unused commitments to provide liquidity to structures reported in item 1 (Columns A through G).	RCFDB726, RCFDB727, RCFDB728, RCFDB729, RCFDB730, RCFDB731, RCFDB732.

Dated: November 2, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, October 31, 2017.

Ann E. Misback,

Secretary of the Board.

Dated at Washington, DC, this 31st day of October, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–24310 Filed 11–7–17; 8:45 am]

BILLING CODE 4810–33–6710–07;6714–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Revision of an Approved Information Collection; Comment Request; Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions With Total Consolidated Assets of $50 Billion or More Under the Dodd-Frank Wall Street Reform and Consumer Protection Act

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC).

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning a revision to a regulatory reporting requirement for national banks and federal savings associations titled, ''Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act.''

DATES: Comments must be received by January 8, 2018.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0319, 400 7th Street SW., Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7 Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7 St. SW., Washington, DC 20219. In addition, copies of the templates referenced in this notice can be found on the OCC's Web site under News and Issuances (*http://www.occ.treas.gov/tools-forms/forms/bank-operations/stress-test-reporting.html*).

SUPPLEMENTARY INFORMATION: The OCC is requesting comment on the following revision to an approved information collection:

Title: Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

OMB Control No.: 1557–0319.

Description: Section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] (Dodd-Frank Act) requires certain financial companies, including national banks and federal savings associations, to conduct annual stress tests [2] and requires the primary financial regulatory agency [3] of those financial companies to issue regulations implementing the stress test requirements.[4] A national bank or federal savings association is a ''covered institution'' and therefore subject to the stress test requirements if its total consolidated assets are more than $10 billion. Under section 165(i)(2), a covered institution is required to submit to the Board of Governors of the Federal Reserve System (Board) and to its primary financial regulatory agency a report at such time, in such form, and containing such information as the primary financial regulatory agency may require.[5] On October 9, 2012, the OCC published in the **Federal Register** a final rule implementing the section 165(i)(2) annual stress test requirement.[6] This rule describes the reports and information collections required to meet the reporting requirements under section 165(i)(2). These information collections will be given confidential treatment (5 U.S.C. 552(b)(4)) to the extent permitted by law.

In 2012, the OCC first implemented the reporting templates referenced in the final rule. *See* 77 FR 49485 (August 16, 2012) and 77 FR 66663 (November 6, 2012). The OCC is now revising the reporting templates as described below.

[1] Pub. L. 111–203, 124 Stat. 1376, July 2010.

[2] 12 U.S.C. 5365(i)(2)(A).

[3] 12 U.S.C. 5301(12).

[4] 12 U.S.C. 5365(i)(2)(C).

[5] 12 U.S.C. 5365(i)(2)(B).

[6] 77 FR 61238 (October 9, 2012) (codified at 12 CFR part 46).

The OCC intends to use the data collected to assess the reasonableness of the stress test results of covered institutions and to provide forward-looking information to the OCC regarding a covered institution's capital adequacy. The OCC also may use the results of the stress tests to determine whether additional analytical techniques and exercises could be appropriate to identify, measure, and monitor risks at the covered institution. The stress test results are expected to support ongoing improvement in a covered institution's stress testing practices with respect to its internal assessments of capital adequacy and overall capital planning.

The OCC recognizes that many covered institutions with total consolidated assets of $50 billion or more are required to submit reports using Comprehensive Capital Analysis and Review (CCAR) reporting form FR Y–14A.[7] The OCC also recognizes the Board has proposed to modify the FR Y–14A and, to the extent practical, the OCC will keep its reporting requirements consistent with the Board's FR Y–14A in order to minimize burden on covered institutions.[8] Therefore, the OCC is proposing to revise its reporting requirements to mirror the Board's proposed FR Y–14A for covered institutions with total consolidated assets of $50 billion or more. In addition to the changes that parallel the Board's proposed changes to the FR Y–14A, the OCC is also proposing two other changes. First, the proposal would modify the OCC supplemental schedule. Second, the proposal would allow federal savings associations to comply with the reporting requirements applicable to subsidiaries of large, noncomplex holding companies, as defined by the Board. These proposed changes are described in more detail below.

Proposed Revisions to Reporting Templates That Mirror Changes Proposed by the Board

The proposed revisions to the DFAST–14A reporting templates consist of the following:

- Eliminating two schedules, the Regulatory Capital Transitions Schedule and Retail Repurchase Exposures Schedule;
- Adding one item to the counterparty worksheet of the summary schedule to collect information of Funding Valuation Adjustments (FVAs) for firms subject to the Global Market Shock;
- Eliminating references to the term ''extraordinary items'' to align with Federal Accounting Standards Board (FASB) Subtopic 255–30; and
- Modifying instructions to clarify reporting of ''Credit Loss Portion'' and ''Non-Credit Loss Portion'' information for Available for Sale/Held to Maturity (AFS/HTM) worksheets in the summary schedule.

OCC Supplemental Schedule

In 2017, the OCC introduced a supplemental schedule that collects additional information not included in the FR Y–14A. The proposed revisions include modifications to the OCC supplemental schedule. These modifications to the supplemental schedule consist of clarifying instructions as well as adding, deleting, and modifying existing data items. The total number of items in the supplemental schedule would be reduced by approximately half, reflecting the OCC's commitment to reducing the reporting burden. In particular, the proposed revisions would delete existing data items on Allowance for Loan and Lease Loss data and Provisions data. The OCC periodically reviews its data collection to identify necessary fields that no longer support the OCC's supervisory objectives, and the allowance and provision fields were identified for elimination as part of this review. The proposed revisions would also eliminate the materiality thresholds for the reporting of certain items. Only national banks that are subsidiaries of large, complex firms, as defined by the Board, are required to complete the supplemental schedule, and the OCC believes that it is appropriate and manageable for these larger national banks to report these items.

Federal Savings Associations

Beginning in 2017, the Board and the OCC allowed institutions that were subsidiaries of large, non-complex holding companies, as defined by the Board, to comply with simplified reporting requirements and not complete certain sub-schedules of the FR Y–14A and DFAST–14A reporting forms. The proposed revisions would allow federal savings associations that qualify as over $50 billion covered institutions to comply with these simplified reporting requirements.

Savings and loan holding companies are not currently required to submit the Board's FR Y–14A reporting forms. Similarly, the Board's capital plan rule includes a definition for ''large and noncomplex bank holding compan[ies]'' but does not include a parallel definition for savings and loan holding companies. Accordingly, savings and loan holding companies and federal savings associations that have the same characteristics as other large and noncomplex firms would not technically qualify for the simplified reporting requirements. The proposed revisions would modify the DFAST–14A reporting forms and instructions to provide that all federal savings associations may comply with these simplified reporting requirements. This change would promote parity between national banks and federal savings associations that have similar size profiles and economic characteristics.

Type of Review: Revision.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 23.

Estimated Total Annual Burden: 16,466 hours.

The OCC believes that the systems covered institutions use to prepare the FR Y–14 reporting templates to submit to the Board will also be used to prepare the reporting templates described in this notice. Comments submitted in response to this notice will be summarized and 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 OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

Dated: November 2, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2017–24309 Filed 11–7–17; 8:45 am]

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[7] *http://www.federalreserve.gov/reportforms.*

[8] 82 FR 26793 (June 6, 2017).

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 32
2017–2018 Refuge-Specific Hunting and Sport Fishing Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

[Docket No. FWS–HQ–NWRS–2017–0005; FXRS12650900000–178–FF09R26000]

RIN 1018–BB75

2017–2018 Refuge-Specific Hunting and Sport Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, increase the hunting activities available at nine refuges, open one refuge to sport fishing for the first time, and add pertinent refuge-specific regulations for other NWRs that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2017–2018 season.

DATES: This rule is effective November 8, 2017.

FOR FURTHER INFORMATION CONTACT: Katherine Harrigan, (703) 358–2440.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966 closes NWRs in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that the use is compatible with the purposes of the refuge and National Wildlife Refuge System mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

We annually review refuge hunting and sport fishing programs to determine whether to include additional refuges or whether individual refuge regulations governing existing programs need modifications. Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to refuge-specific regulations to ensure the continued compatibility of hunting and sport fishing programs and to ensure that these programs will not materially interfere with or detract from the fulfillment of refuge purposes or the Refuge System's mission.

Provisions governing hunting and sport fishing on refuges are in title 50 of the Code of Federal Regulations in part 32 (50 CFR part 32). We regulate hunting and sport fishing on refuges to:

- Ensure compatibility with refuge purpose(s);
- Properly manage fish and wildlife resource(s);
- Protect other refuge values;
- Ensure refuge visitor safety; and
- Provide opportunities for quality fish- and wildlife-dependent recreation.

On many refuges where we decide to allow hunting and sport fishing, our general policy of adopting regulations identical to State hunting and sport fishing regulations is adequate in meeting these objectives. On other refuges, we must supplement State regulations with more-restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined in the Statutory Authority section, below. We issue refuge-specific hunting and sport fishing regulations when we open wildlife refuges to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations may list the wildlife species that you may hunt or fish, seasons, bag or creel (container for carrying fish) limits, methods of hunting or sport fishing, descriptions of areas open to hunting or sport fishing, and other provisions as appropriate. You may find previously issued refuge-specific regulations for hunting and sport fishing in 50 CFR part 32. In this rulemaking, we are also standardizing and clarifying the language of existing regulations.

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee, as amended by the National Wildlife Refuge System Improvement Act of 1997 [Improvement Act]) (Administration Act), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) govern the administration and public use of refuges.

Amendments enacted by the Improvement Act built upon the Administration Act in a manner that provides an ''organic act'' for the Refuge System, similar to organic acts that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the Refuge System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on conservation of fish, wildlife, and plant resources and their habitats. The Improvement Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible with the purpose for which the refuge was established and the mission of the Refuge System. The Improvement Act established as the policy of the United States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife. The Improvement Act established six wildlife-dependent recreational uses as the priority general public uses of the Refuge System. These uses are: Hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that doing so is practicable and not inconsistent with the primary purpose(s) for which Congress and the Service established the areas. The Recreation Act requires that any recreational use of refuge lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The Administration Act and Recreation Act also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

We develop specific management plans for each refuge prior to opening it to hunting or sport fishing. In many cases, we develop refuge-specific regulations to ensure the compatibility of the programs with the purpose(s) for which we established the refuge and the Refuge System mission. We ensure initial compliance with the Administration Act and the Recreation Act for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these acts prior to adding refuges to the lists of areas open to hunting and sport fishing in 50 CFR part 32. We ensure continued compliance by the development of comprehensive conservation plans and step-down management plans, and by annual review of hunting and sport fishing programs and regulations.

Summary of Comments and Responses

On August 10, 2017, we published a proposed rule (82 FR 37398) to increase the hunting activities available at nine refuges and open one refuge to fishing for the first time, and add pertinent refuge-specific regulations for other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2017–2018 season. We accepted public comments on the proposed rule for 30 days, ending September 11, 2017. By that date, we received 106 comments. Of those, two comments concerned only National Monuments, which are not the subject of our proposed rule. Therefore, we do not consider them below. We discuss the other 104 comments we received below by topic.

Comment (1): Many commenters expressed general opposition to any hunting or fishing in the National Wildlife Refuge System (NWRS). In many cases, commenters stated that hunting was antithetical to the purposes of a ''refuge,'' which, in their opinion, should serve as an inviolate sanctuary for all wildlife. Thirteen of these comments specifically opposed hunting at Baskett Slough National Wildlife Refuge, one commenter opposed hunting at Horicon National Wildlife Refuge, one commenter opposed hunting at Savannah River National Wildlife Refuge, one commenter opposed hunting at all refuges within the State of Alabama, and one commenter opposed sport fishing at Siletz Bay National Wildlife Refuge.

Our Response: The Administration Act, as amended, stipulates that hunting (along with fishing, wildlife observation and photography, and environmental education and interpretation), if found to be compatible, is a legitimate and priority general public use of a refuge and should be facilitated. The Service has adopted policies and regulations implementing the requirements of the Administration Act that refuge managers comply with when considering hunting and fishing programs.

We allow hunting of resident wildlife on NWRs only if such activity has been determined compatible with the established purpose(s) of the refuge and the mission of the Refuge System as required by the Administration Act. Hunting of resident wildlife on NWRs generally occurs consistent with State regulations, including seasons and bag limits. Refuge-specific hunting regulations can be more restrictive (but not more liberal) than State regulations and often are more restrictive in order to help meet specific refuge objectives. These objectives include resident wildlife population and habitat objectives, minimizing disturbance impacts to wildlife, maintaining high-quality opportunities for hunting and other wildlife-dependent recreation, eliminating or minimizing conflicts with other public uses and/or refuge management activities, and protecting public safety.

Each refuge manager makes a decision regarding hunting on that particular refuge only after rigorous examination of the available information. Developing or referencing a comprehensive conservation plan (CCP), a 15-year plan for the refuge, is generally the first step a refuge manager takes. Our policy for managing units of the Refuge System is that we will manage all refuges in accordance with an approved CCP, which, when implemented, will achieve refuge purposes; help fulfill the Refuge System mission; maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System; help achieve the goals of the National Wilderness Preservation System; and meet other mandates. The CCP will guide management decisions and set forth goals, objectives, and strategies to accomplish these ends. The next step for refuge managers is developing or referencing step-down plans, of which a hunting plan would be one. Part of the process for opening a refuge to hunting after completing the step-down plan would be appropriate compliance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), such as conducting an environmental assessment accompanied by the appropriate decision documentation (record of decision, finding of no significant impact, or environmental action memorandum or statement). The rest of the elements in the opening package are an evaluation of section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), copies of letters requesting State and/or tribal involvement, and draft refuge-specific regulatory language. We make available the CCP, hunt plan, and NEPA documents and request public comments on them, as well as on any proposed rule, before we allow hunting on a refuge.

In sum, this illustrates that the decision to allow hunting on an NWR is not a quick or simple process. It is full of deliberation and discussion, including review of all available data to determine the relative health of a population before we allow it to be hunted.

The word ''refuge'' includes the idea of providing a haven of safety for wildlife, and as such, hunting might seem an inconsistent use of the NWRS. But again, the Administration Act stipulates that hunting, if found compatible, is a legitimate and priority general public use of a refuge. Furthermore, we manage refuges to support healthy wildlife populations that in many cases produce harvestable surpluses that are a renewable resource. As practiced on refuges, hunting and fishing do not pose a threat to wildlife populations. It is important to note that taking certain individuals through hunting does not necessarily reduce a population overall, as hunting can simply replace other types of mortality. In some cases, however, we use hunting as a management tool with the explicit goal of reducing a population; this is often the case with exotic and/or invasive species that threaten ecosystem stability. Therefore, facilitating hunting opportunities is an important aspect of the Service's roles and responsibilities as outlined in the legislation establishing the NWRS, and the Service will continue to facilitate these opportunities where compatible with the purpose of the specific refuge and the mission of the NWRS.

Note that not all refuges are inviolate sanctuaries. If we acquired a refuge as an inviolate sanctuary, we may open up to 40 percent of that refuge's area for hunting of migratory game birds (16 U.S.C. 668dd(d)(1)(A)). However, if we acquired a refuge without the stipulation that it be an inviolate sanctuary, we may open 100 percent of the refuge's area for hunting.

The Fish and Wildlife Improvement Act of 1978 (Pub. L. 95–616, 92 Stat. 3114) amended section 6 of the Administration Act to provide for the opening of all or any portion of an inviolate sanctuary to the taking of migratory birds if taking is determined to be beneficial to the species. Such opening of more than 40 percent of the refuge to hunting is determined by species. This amendment refers to inviolate sanctuaries created in the past or to be created in the future. It has no application to areas acquired for other management purposes.

We did not make any changes to the rule as a result of these comments.

Comment (2): Many commenters expressed support for hunting and fishing expansions on NWRs. Thirty-nine of these commenters specifically supported youth waterfowl hunting at Baskett Slough National Wildlife Refuge. Two commenters supported the new opportunities for hunting and fishing, and stated that hunting and fishing should be open on all public lands. Two commenters expressed

support for the openings and expansions described in the proposed rule, but felt that the Service has not opened enough refuges to hunting or increased hunting at enough refuges. According to the commenters, more than 40 percent of the more than 566 NWRs still prohibit hunting; with the clear directives from the Executive and Legislative branches of the Federal Government to increase hunting activities, the Service must open refuges to hunting at a faster pace. The commenters also strongly recommended that the Service engage in discussions with State wildlife managers and with representatives of the hunting community, to facilitate and expedite these openings and make certain that these and all NWRs become or remain open to hunting.

Our Response: As noted in our response to *Comment (1),* the Administration Act, as amended, establishes that the Refuge System was created to conserve fish, wildlife, plants, and their habitats and that the Service should facilitate opportunities for Americans to participate in compatible wildlife-dependent recreation, including hunting and fishing, on Refuge System lands and waters. Therefore, the Service will continue to facilitate hunting and fishing opportunities where doing so is compatible with the purpose of the specific refuge and the mission of the NWRS.

The Service continues to open and expand hunting opportunities across the NWRS, as evidenced by this final rule; however, as detailed in our response to *Comment (1),* above, the decision to allow hunting on a refuge is not a quick or simple process. Once the Service determines that a hunt can be carried out in a manner compatible with individual refuge purposes and the mission of the NWRS, we work expeditiously to open it.

We did not make any changes to the rule as a result of these comments.

Comment (3): Many commenters stated that the majority of Americans do not hunt and were of the opinion that allowing hunting would impede ''non-consumptive'' uses of refuges, including photography and wildlife viewing.

Our Response: Congress, through the Administration Act, as amended, envisioned that hunting, fishing, wildlife observation and photography, and environmental education and interpretation would all be treated as priority public uses of the NWRS. Therefore, the Service facilitates all of these uses on refuges, as long as they are found compatible with the purposes of the specific refuge and the mission of the NWRS. For this rulemaking, we analyzed impacts of the proposed changes to hunting programs at each refuge through the NEPA process, which included analyzing impacts to other wildlife-dependent uses. The 10 refuges in this rulemaking completed environmental assessments (EAs). We also provided opportunities for the public to comment on the proposed hunt opening and expansions when we developed the CCP, hunt plan, and compatibility determination, and through the NEPA process. When looking at the 10 EAs completed for this specific rulemaking, collectively with the refuges that already allow for hunting, the Service has determined that there are no significant impacts to other wildlife-dependent recreation opportunities.

The refuges in this rulemaking use a variety of techniques to reduce user conflict, such as specific hunt seasons, limited hunting hours, restricting which parts of the refuge are open to hunting, and restricting the number of hunters. Refuge managers also use public outreach tools, such as signs and brochures, to make users aware of hunting and their options for minimizing conflict. Most refuges have refuge-specific regulations to improve the quality of the hunting experience as well as provide for quality wildlife-dependent experiences for other users. The Service is aware of several studies showing a correlation between increased hunting and decreased wildlife sightings, which underscores the importance of using the aforementioned techniques, particularly time and space zoning of hunting, to ensure a quality experience for all refuge visitors. More information on how a specific refuge facilitates various wildlife-dependent recreation opportunities can be found in the refuge's CCP, hunt plan, and/or refuge-specific EA or environmental impact statement (EIS). The public may contact the specific refuge for any of these materials.

We did not make any changes to the rule as a result of these comments.

Comment (4): A few commenters were of the opinion that hunting can disrupt the natural balance of the ecosystem that people enjoy, can impact the safety of other refuge users, and can deter people from going to visit areas even at times when there are not people actively hunting wildlife.

Our Response: We do not allow hunting on a refuge if it is found incompatible with that individual refuge's purposes or with the mission of the NWRS. In addition, the Service's Biological Integrity, Diversity, and Environmental Health (BIDEH) policy (601 Fish and Wildlife Service Manual (FW) 3) guides decision-making with respect to management of activities on refuges, including hunting. Service biologists and wildlife professionals, in consultation with the State, determine the optimal number of each game animal that should reside in an ecosystem and then establish hunt parameters (*e.g.,* bag limits, sex ratios) based on those analyses. We carefully consider how a proposed hunt fits with individual refuge goals, objectives, and strategies before allowing the hunt. None of the known, estimated, or projected harvests of migratory game birds, upland game, or big game species in this rulemaking is expected to have significant adverse direct, indirect, or cumulative impacts to hunted populations, non-hunted wildlife, endangered or threatened species, plant or habitat resources, wildlife-dependent recreation, prescribed fire, air, soil, water, cultural resources, refuge facilities, solitude, or socio-economics. Further, we address the relationship between hunting and wildlife sightings in our response to *Comment (3).* We did not make any changes to the rule as a result of this comment.

Comment (5): One commenter requested that we increase non-motorized access at Bear River Migratory Bird Refuge in Utah, and eliminate motorized boat access to some units of the refuge.

Our Response: Non-motorized access at Bear River Migratory Bird Refuge is a result of the CCP process. As part of the CCP process, we invited the public to comment during the scoping period, as well as on the final draft plan. We received no comments regarding an increase in non-motorized access during this process. We appreciate the feedback, but we cannot accommodate these requests in this final rule; adding additional non-motorized access would require us to update our plan, compatibility determination, and NEPA documentation and allow for additional public comment. Therefore, we made no changes to this rule as a result of these comments. However, we may consider making these changes in the future after conducting the required above described actions.

Comment (6): One commenter expressed interest in opening fishing at the Morgan Lake unit of Baskett Slough NWR.

Our Response: The hunt plan for Baskett Slough is a result of the CCP process. As part of the CCP process, we invited the public to comment during the scoping period, as well as on the final draft plan. We received no

comments regarding fishing at Morgan Lake during this process. We appreciate the feedback, but we cannot accommodate these requests in this final rule; adding fishing would require us to update our plan, compatibility determination, and NEPA documentation and allow for additional public comment. Therefore, we made no changes to this rule as a result of these comments. However, we may consider making these changes in the future after conducting the required above described actions.

Comment (7): Two commenters expressed interest in expanding waterfowl hunting to adults in addition to youth at Baskett Slough NWR. One of these commenters suggested wheelchair accessible hunting opportunities.

Our Response: The hunt plan limiting opportunities only for youths at Baskett Slough is a result of the CCP process. As part of the CCP process, we invited the public to comment during the scoping period, as well as on the final draft plan. The small size of the refuge and number of permits issued for the youth hunt allow the refuge to maintain a safe hunter density to provide an uncrowded, high-quality experience. Expanding adult waterfowl hunting opportunities would require us to update our hunt plan, compatibility determination, and NEPA documentation and allow for additional public comment. Wheelchair accessibility is outside the scope of this regulatory process, and would be considered within the refuge's facilities plan. Therefore, we made no changes to this rule as a result of these comments. However, we may consider making these changes in the future after conducting the required above described actions.

Comment (8): One commenter expressed concern regarding the regulatory change at Stillwater National Wildlife Refuge to close Swan Check Lake to non-motorized boating for 4 months of the year and stated that this regulatory change was proposed without public involvement. The commenter also stated that opening Willow Lake to non-motorized access must be examined through the NEPA process.

Our Response: We reverse our decision for now to close Swan Check Lake to non-motorized boating for 4 months to minimize the burden on the public, and we will revise the regulatory language to keep the unit open year-round in accordance with the CCP. The opening of Willow Lake to non-motorized access was previously analyzed in compliance with NEPA as part of the CCP process. Public comment was also sought during this process. We are updating the regulatory language for Stillwater National Wildlife Refuge in this rule to reflect these changes.

Comment (9): Three commenters expressed concern over allowing lead ammunition to be used on refuges; some requested that the Service ban lead ammunition for all hunting.

Our Response: The Service is concerned about the impacts of spent lead ammunition on scavengers, especially bald eagles and ravens. Lead shot for waterfowl hunting has been illegal on refuges since 1998. We continue to look at options and ways to reduce the indirect impacts of toxic shot. Generally, we are and have been phasing out the use of lead shot by upland and big game hunters on refuge lands.

The Service continues to research this issue and engage with States and other partners to promote the use of non-lead ammunition. The Administration Act, as amended, directs the Service to make refuge regulations as consistent with State regulations as practicable. We share a strong partnership with the States in managing wildlife, and, therefore, we are proceeding with the phase-out of toxic ammunition in a coordinated manner with each respective State wildlife agency. We note for State of California, lead ammunition is already banned under State law and is therefore banned on all refuges in California.

We made no changes to the rule as a result of these comments.

Changes From the Proposed Rule

As discussed above, under Summary of Comments and Responses, based on comments we received on the proposed rule, we made changes to the regulatory text in this final rule from what we proposed for Stillwater NWR (in Nevada). Specifically, for Stillwater NWR, we revised the regulations to keep non-motorized access on Swan Check Lake open year-round.

In addition, we are adding to this final rule changes not included in our proposed rule. Specifically, we are adding regulations for upland and big game hunting for Kankakee National Wildlife Refuge to 50 CFR 32.32 (Illinois). We are also making changes to refuge-specific regulations for, Rocky Mountain Arsenal in Colorado, and Benton Lake National Wildlife Refuge and Benton Lake Wetland Management District in Montana. Over all, these changes were deemed minor and not controversial.

Effective Date

We are making this rule effective upon publication in the **Federal Register** (see **DATES**, above). We have determined that any further delay in implementing these refuge-specific hunting and sport fishing regulations would not be in the public interest, in that a delay would hinder the effective planning and administration of the hunting and fishing programs. We provided a 30-day public comment period for the August 10, 2017, proposed rule (82 FR 37398). This rule does not impact the public generally in terms of requiring lead time for compliance. Rather, it relieves restrictions in that it allows activities on refuges that we would otherwise prohibit. Therefore, we find good cause under 5 U.S.C. 553(d)(3) to make this rule effective upon publication.

Amendments to Existing Regulations

This document adopts in the Code of Federal Regulations all of the Service's hunting and/or sport fishing regulations that we are updating since the last time we published a rule amending these regulations (81 FR 68874; October 4, 2016) and that are applicable at Refuge System units previously opened to hunting and/or sport fishing. We are taking this action to better inform the general public of the regulations at each refuge, to increase understanding and compliance with these regulations, and to make enforcement of these regulations more efficient. In addition to now finding these regulations in 50 CFR part 32, visitors to our refuges may find them reiterated in literature distributed by each refuge or posted on signs.

TABLE 1—CHANGES FOR 2017–2018 HUNTING/FISHING SEASON

Refuge/region (*)	State	Migratory bird hunting	Upland game hunting	Big game hunting	Sport fishing
Baskett Slough (1)	Oregon	C	Closed	Closed	Closed.
Des Lacs (6)	North Dakota	Closed	Already Open	C/D	Closed.
Fox River (3)	Wisconsin	Closed	Closed	C	Closed.

TABLE 1—CHANGES FOR 2017–2018 HUNTING/FISHING SEASON—Continued

Refuge/region (*)	State	Migratory bird hunting	Upland game hunting	Big game hunting	Sport fishing
Horicon (3)	Wisconsin	D	C/D	C	Already Open.
Minnesota Valley (3)	Minnesota	C	C	C	Already Open.
Patoka River (3)	Indiana	C	C	C	C.
Savannah River (4)	Georgia and South Carolina	C/D	C/D	C/D	Already Open.
Sequoyah (2)	Oklahoma	Already Open	C	C	Already Open.
Siletz Bay (1)	Oregon	Already Open	Closed	Closed	B.
Upper Souris (6)	North Dakota	Closed	C/D	C/D	Already Open.

* Number in ( ) refers to the Region as defined in the preamble to this rule under Available Information for Specific Refuges.

Key:
A = New refuge opened.
B = New activity on a refuge previously open to other activities.
C = Refuge already open to activity, but added new lands/waters or modified areas open to hunting or fishing.
D = Refuge already open to activity but added new species to hunt.

The changes for the 2017–18 hunting/fishing season noted in the chart above are each based on a complete administrative record which, among other detailed documentation, also includes a hunt plan, a compatibility determination, and the appropriate National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) analysis, all of which were the subject of a public review and comment process. These documents are available upon request.

Fish Advisory

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish-consumption advisories on the Internet at: *http://www.epa.gov/fish-tech.*

Plain Language Mandate

In this rule, we revise some regulations for individual refuge units to comply with a Presidential mandate to use plain language in regulations; these particular revisions do not modify the substance of the previous regulations. These types of changes include using ''you'' to refer to the reader and ''we'' to refer to the Refuge System, using the word ''allow'' instead of ''permit'' when we do not require the use of a permit for an activity, and using active voice (*e.g.,* ''We restrict entry into the refuge'' vs. ''Entry into the refuge is restricted'').

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

This rule is not an Executive Order (E.O.) 13771 (82 FR 9339, February 3, 2017) regulatory action because this rule is not significant under E.O. 12866.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rulemaking is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act [SBREFA] of 1996) (5 U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

This rule adds one NWR to the list of refuges open to sport fishing, and increases hunting or fishing activities on nine additional refuges. As a result, visitor use for wildlife-dependent recreation on these NWRs will change. If the refuges establishing new programs were a pure addition to the current supply of those activities, it would mean an estimated increase of 914 user days (one person per day participating in a recreational opportunity, Table 2). Because the participation trend is flat in these activities since 1991, this increase in supply will most likely be offset by other sites losing participants. Therefore, this is likely to be a substitute site for the activity and not necessarily an increase in participation rates for the activity.

TABLE 2—ESTIMATED CHANGE IN RECREATION OPPORTUNITIES IN 2017/2018

[Dollars in thousands]

Refuge	Additional days	Additional expenditures
Baskett Slough	2	$0.1
Des Lacs	50	2.0
Fox River	5	0.2
Horicon	187	7.4
Minnesota Valley	0	0.0
Patoka River	0	0.0
Savannah River	315	12.4
Sequoyah	5	0.2
Siletz Bay	150	6.3
Upper Souris	200	7.9
Total	914	36.4

To the extent visitors spend time and money in the area of the refuge that they would not have spent there anyway, they contribute new income to the regional economy and benefit local businesses. Due to the unavailability of site-specific expenditure data, we use the national estimates from the 2011 National Survey of Fishing, Hunting, and Wildlife Associated Recreation to identify expenditures for food and lodging, transportation, and other incidental expenses. Using the average expenditures for these categories with the maximum expected additional participation of the Refuge System yields approximately $36,400 in recreation-related expenditures (Table 2). By having ripple effects throughout the economy, these direct expenditures are only part of the economic impact of these recreational activities. Using a national impact multiplier for hunting activities (2.27) derived from the report ''Hunting in America: An Economic Force for Conservation'' and for fishing activities (2.40) derived from the report ''Sportfishing in America'' yields a total economic impact of approximately $83,500 (2016 dollars) (Southwick Associates, Inc., 2012). Using a local impact multiplier would yield more accurate and smaller results. However, we employed the national impact multiplier due to the difficulty in developing local multipliers for each specific region.

Since we know that most of the fishing and hunting occurs within 100 miles of a participant's residence, then it is unlikely that most of this spending would be ''new'' money coming into a local economy; therefore, this spending would be offset with a decrease in some other sector of the local economy. The net gain to the local economies would be no more than $83,500, and most likely considerably less. Since 80 percent of the participants travel less than 100 miles to engage in hunting and fishing activities, their spending patterns would not add new money into the local economy and, therefore, the real impact would be on the order of about $16,700 annually.

Small businesses within the retail trade industry (such as hotels, gas stations, taxidermy shops, bait-and-tackle shops, and similar businesses) may be affected by some increased or decreased refuge visitation. A large percentage of these retail trade establishments in the local communities around NWRs qualify as small businesses (Table 3). We expect that the incremental recreational changes will be scattered, and so we do not expect that the rule will have a significant economic effect on a substantial number of small entities in any region or nationally. As noted previously, we expect approximately $36,400 to be spent in total in the refuges' local economies. The maximum increase at most would be less than one-hundredth of 1 percent for local retail trade spending (Table 3).

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2017/2018

[Thousands, 2016 dollars]

Refuge/county(ies)	Retail trade in 2012	Estimated maximum addition from new activities	Addition as % of total	Establishments in 2012	Establ. with <10 emp in 2012
Baskett Slough:					
Polk, OR	$377,029	$0.1	<0.01	125	89
Des Lacs:					
Burke, ND	1,988,596	1.0	<0.01	293	169
Ward, ND	40,290	1.0	<0.01	10	6
Fox River:					
Marquette, WI	74,141	0.2	<0.01	35	27
Horicon:					
Dodge, WI	870,743	3.7	<0.01	234	159
Fond du Lac, WI	1,465,969	3.7	<0.01	354	225
Minnesota Valley:					
Carver, MN	948,923			209	132
Dakota, MN	6,779,786			1,132	689
Hennepin, MN	25,012,109			4,209	2,657
Le Sueur, MN	220,214			84	58
Scott, MN	1,397,711			323	215

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2017/2018—Continued

[Thousands, 2016 dollars]

Refuge/county(ies)	Retail trade in 2012	Estimated maximum addition from new activities	Addition as % of total	Establishments in 2012	Establ. with <10 emp in 2012
Sibley, MN	79,291	.....	.....	54	39
Patoka River:					
Gibson, IN	582,859	.....	.....	120	84
Pike, IN	75,823	.....	.....	31	23
Savannah River:					
Chatham, GA	4,449,471	6.2	<0.01	1,198	851
Effingham, GA	374,811	6.2	<0.01	108	79
Jasper, SC	600,879	6.2	<0.01	104	80
Sequoyah:					
Haskell, OK	149,403	0.1	<0.01	33	22
Muskogee, OK	970,020	0.1	<0.01	258	178
Sequoyah, OK	405,258	0.1	<0.01	116	86
Siletz Bay:					
Lincoln, OR	607,106	6.3	<0.01	241	310
Upper Souris:					
Renville, ND	84,795	3.9	<0.01	12	10
Ward, ND	1,988,596	3.9	<0.01	293	169

With the small change in overall spending anticipated from this rule, it is unlikely that a substantial number of small entities will have more than a small impact from the spending change near the affected refuges. Therefore, we certify that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. We anticipate no significant employment or small business effects. This rule:

a. Will not have an annual effect on the economy of $100 million or more. The minimal impact will be scattered across the country and will most likely not be significant in any local area.

b. Will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This rule will have only a slight effect on the costs of hunting opportunities for Americans. If the substitute sites are farther from the participants' residences, then an increase in travel costs will occur. The Service does not have information to quantify this change in travel cost but assumes that, since most people travel less than 100 miles to hunt, the increased travel cost will be small. We do not expect this rule to affect the supply or demand for hunting opportunities in the United States, and, therefore, it should not affect prices for hunting equipment and supplies, or the retailers that sell equipment.

c. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule represents only a small proportion of recreational spending at NWRs. Therefore, this rule will have no measurable economic effect on the wildlife-dependent industry, which has annual sales of equipment and travel expenditures of $72 billion nationwide.

Unfunded Mandates Reform Act

Since this rule will apply to public use of federally owned and managed refuges, it will not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule will not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this rule will not have significant takings implications. This rule will affect only visitors at NWRs and describe what they can do while they are on a refuge.

Federalism (E.O. 13132)

As discussed in Regulatory Planning and Review and Unfunded Mandates Reform Act, above, this rule will not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement under E.O. 13132. In preparing this rule, we worked with State governments.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Department of the Interior has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. The rule will clarify established regulations and result in better understanding of the regulations by refuge visitors.

Energy Supply, Distribution or Use (E.O. 13211)

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule will add one NWR to the list of refuges open to sport fishing and increase hunting or fishing activities on nine other NWRs, it is not a significant regulatory action under E.O. 12866, and we do not expect it to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian tribes and have determined that there are no effects. We coordinate recreational use on NWRs with Tribal governments having adjoining or overlapping jurisdiction before we propose the regulations.

Paperwork Reduction Act (PRA)

This rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the PRA of 1995 (44 U.S.C. 3501 *et seq.*). OMB has approved the information collection requirements associated with regulations implementing refuge-specific hunting and sport fishing regulations and has assigned OMB control numbers 1018–0102 (expires August 31, 2020), 1018–0140 (expires May 31, 2018), and 1018–0153 (expires December 31, 2018). 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.

Endangered Species Act Section 7 Consultation

We comply with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), when developing comprehensive conservation plans and step-down management plans—which would include hunting and/or fishing plans—for public use of refuges, and prior to implementing any new or revised public recreation program on a refuge as identified in 50 CFR 26.32. We have completed section 7 consultation on each of the affected refuges.

National Environmental Policy Act

We analyzed this rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)), 43 CFR part 46, and 516 Departmental Manual (DM) 8.

A categorical exclusion from NEPA documentation applies to publication of amendments to refuge-specific hunting and fishing regulations because they are technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (43 CFR 46.210 and 516 DM 8). Concerning the actions that are the subject of this rulemaking, we have complied with NEPA at the project level when developing each proposal. This is consistent with the Department of the Interior instructions for compliance with NEPA where actions are covered sufficiently by an earlier environmental document (43 CFR 46.120).

Prior to the addition of a refuge to the list of areas open to hunting and fishing in 50 CFR part 32, we develop hunting and fishing plans for the affected refuges. We incorporate these proposed refuge hunting and fishing activities in the refuge comprehensive conservation plan and/or other step-down management plans, pursuant to our refuge planning guidance in 602 Fish and Wildlife Service Manual (FW) 1, 3, and 4. We prepare these comprehensive conservation plans and step-down plans in compliance with section 102(2)(C) of NEPA, and the Council on Environmental Quality's regulations for implementing NEPA in 40 CFR parts 1500 through 1508. We invite the affected public to participate in the review, development, and implementation of these plans. Copies of all plans and NEPA compliance are available from the refuges at the addresses provided below.

Available Information for Specific Refuges

Individual refuge headquarters have information about public use programs and conditions that apply to their specific programs and maps of their respective areas. To find out how to contact a specific refuge, contact the appropriate Regional office listed below:

Region 1—Hawaii, Idaho, Oregon, and Washington. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 NE. 11th Avenue, Portland, OR 97232–4181; Telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma, and Texas. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW., Albuquerque, NM 87103; Telephone (505) 248–6937.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; Telephone (612) 713–5360.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345; Telephone (404) 679–7166.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589; Telephone (413) 253–8307.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 134 Union Blvd., Lakewood, CO 80228; Telephone (303) 236–8145.

Region 7—Alaska. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, AK 99503; Telephone (907) 786–3545.

Region 8—California and Nevada. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825; Telephone (916) 414–6464.

Primary Author

Katherine Harrigan, Division of Natural Resources and Conservation Planning, National Wildlife Refuge System, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Regulation Promulgation

For the reasons set forth in the preamble, we amend title 50, chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 32—HUNTING AND FISHING

■ 1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i.

§ 32.7 [Amended]

■ 2. Amend § 32.7 by

■ a. Adding in alphabetical order an entry for '' ''Kankakee National Wildlife Refuge'' in the State of Illinois; and

■ b. Adding in alphabetical order an entry for ''Loess Bluffs National Wildlife Refuge'' and removing the entry for ''Squaw Creek National Wildlife Refuge'' in the State of Missouri.

■ 3. Amend § 32.23 in the entry for Dale Bumpers White River National Wildlife Refuge by:

■ a. Removing the second, duplicate appearance of paragraph A.16;

■ b. Adding paragraph A.17;
■ c. Revising paragraphs A.18 through A.20, C.2 through C.5, C.8, and C.18;
■ d. Adding paragraphs C.20 and C.21; and
■ e. Revising paragraph D.1.

The additions and revisions read as follows:

§ 32.23 Arkansas.

* * * * *

Dale Bumpers White River National Wildlife Refuge

A. * * *

* * * * *

17. We prohibit the use of decoys that contain moving parts or electrical components, except that you may use manually operated 'jerk strings' to simulate decoy movement.

18. You may not utilize a guide, guide service, outfitter, club, organization, or any other person who provides equipment, services, or assistance on the refuge for compensation.

19. We prohibit commercial guiding for the take of wildlife or fish.

20. We allow camping only in designated sites and areas identified in the refuge user brochure/permit (signed brochure), and we restrict camping to individuals involved in wildlife-dependent activities. We limit camping on the refuge to no more than 14 days during any 30 consecutive-day period. Campers must occupy camps daily. We prohibit all disturbances, including use of generators, after 10 p.m.

* * * * *

C. * * *

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2. Archery deer seasons on the North Unit are from the beginning of October until the end of January except during quota muzzleloader and quota gun deer hunts, when the archery season is closed. We provide annual season dates and bag limits in the refuge user brochure/permit (signed brochure).

3. Archery deer seasons on the South Unit are from the beginning of October until the end of December except during quota muzzleloader and quota gun deer hunts, when the archery season is closed. We provide annual season dates and bag limits in the refuge user brochure/permit (signed brochure).

4. Muzzleloader season for deer will begin in October and will continue for a period of up to 3 days of quota hunting and 4 days of non-quota hunting in the North Unit. We provide annual season dates and bag limits in the refuge user brochure/permit (signed brochure).

5. The gun deer hunt will begin in November and will continue for a period of 3 days of quota hunting in the North and South Units, and 4 days of non-quota hunting in the North Unit. We provide annual season dates, bag limits, and areas in the refuge user brochure/permit.

* * * * *

8. If you harvest deer or turkey on the refuge, you must immediately record the zone number (Zone 145 for the South Unit or Zone 146 for the North Unit) on your hunting license and later check deer and/or turkey through the State checking system. Outlying tracts use the same zone number as the surrounding State zone.

* * * * *

18. We close the Kansas Lake Area to all entry on December 1 and reopen it on March 1.

* * * * *

20. We prohibit the possession and/or use of toxic shot by hunters using shotguns (see § 32.2(k) of this chapter) when hunting.

21. Feral hog regulations are found in the refuge brochure/permit (signed brochure).

D. * * *

1. Conditions A1, A9, A10, A11, A15, and A21 through A25 apply.

* * * * *

■ 4. Amend § 32.24 by:
■ a. Revising paragraph A.3 under the entry Colusa National Wildlife Refuge;
■ b. Revising paragraph A.3 under the entry Delevan National Wildlife Refuge;
■ c. Revising paragraph A.3 under the entry Sacramento National Wildlife Refuge; and
■ d. Revising paragraph C.3 under the entry Sacramento River National Wildlife Refuge.

The revisions read as follows:

§ 32.24 California.

* * * * *

Colusa National Wildlife Refuge

A. * * *

3. Junior hunters age 15 or younger must be accompanied by, and remain within sight and normal voice contact of, an adult (age 18 or older) at all times while hunting.

* * * * *

Delevan National Wildlife Refuge

A. * * *

3. Junior hunters age 15 or younger must be accompanied by, and remain within sight and normal voice contact of, an adult (age 18 or older) at all times while hunting.

* * * * *

Sacramento National Wildlife Refuge

A. * * *

3. Junior hunters age 15 or younger must be accompanied by, and remain within sight and normal voice contact of, an adult (age 18 or older) at all times while hunting.

* * * * *

Sacramento River National Wildlife Refuge

* * * * *

C. * * *

3. We prohibit using dogs while hunting feral hogs and black-tailed deer.

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■ 5. Amend § 32.25 by revising paragraph D under the entry Rocky Mountain Arsenal to read as follows:

§ 32.25 Colorado.

* * * * *

Rocky Mountain Arsenal

* * * * *

D. Sport Fishing. We allow fishing at designated times and on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing from the third Saturday in April to the second Sunday in October.

2. We allow fishing on Tuesday, Saturday, and Sunday from legal sunrise to sunset.

3. You must possess a signed refuge fishing permit (signed refuge fishing brochure), when fishing, for all anglers age 16 and older. Refuge brochures are available at the refuge visitor center, fishing fee stations, and on the refuge's Web site (*https://www.fws.gov/refuge/rocky_mountain_arsenal/*).

4. You must stop and pay the daily fishing recreation fee for each licensed angler age 16 and older. Payments are made at self-serving fishing fee stations, and you must display a receipt of payment or an annual pass while fishing.

5. We allow bank fishing only at Lake Mary and Lake Ladora.

6. We allow wade fishing only in Lake Ladora after Memorial Day.

7. We only allow the use of one rod and reel or pole and line with one hook per line.

8. We only allow barbless hooks.

9. We only allow artificial lures and flies on Lake Ladora. We allow artificial lures and flies and artificial bait, cut bait, and food products only on Lake Mary.

10. We prohibit the use of live bait on all refuge waters.

11. We only allow catch and release fishing.

12. We prohibit the possession and consumption of alcoholic beverages while fishing.

■ 6. Amend § 32.27 by revising the entry for Prime Hook National Wildlife Refuge to read as follows:

§ 32.27 Delaware.

* * * * *

Prime Hook National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow the hunting of waterfowl, coot, mourning dove, snipe, and woodcock on designated areas of the refuge during designated seasons in accordance with State regulations and subject to the following conditions:

1. General Hunting Regulations.

i. Anyone age 16 or older, regardless of license status, must obtain a migratory bird hunting permit (Migratory Bird Hunt Application, FWS Form 3–2357) to hunt or enter hunt areas, except non-hunting assistants assisting disabled hunters in the disabled area. You must print and validate your permit (name/address/phone) with your signature, in ink, and retain it on your person while hunting or scouting.

ii. You must abide by the terms and conditions outlined in the refuge hunt brochure (see § 32.2(e) of this chapter). Brochures contain information on seasons, bag limits, methods of hunting, maps depicting areas open to hunting, hunt unit reservation procedures, and the terms and conditions under which we issue hunting permits. They are available at the visitor center, at the administration office, and on the refuge's Web site (see § 32.2(f) of this chapter).

iii. You, and those who accompany you who are age 16 or older, must possess and carry the following at all times while on refuge property: A valid Delaware hunting license or document exhibiting your License Exempt Number (LEN), all required State and Federal stamps, a valid form of government-issued photo identification, a signed refuge hunt brochure appropriate for the hunt in question, and a printed valid hunting permit. We will not accept photocopies or electronic copies of these documents.

iv. Youths age 15 or younger must be accompanied by a supervisor age 18 or older who possesses all documents required in A.1.iii, including non-hunting assistants. All supervisors may only be accompanied by one youth. Youths must possess and carry a signed refuge waterfowl hunt brochure and an LEN or license in accordance with State law. The youth must remain within sight and normal voice contact of the supervisor at all times while hunting on the refuge.

v. Other than using motor vehicles on designated roads, you may only access the refuge by foot, except as authorized by the refuge manager.

vi. You may use trained dogs to assist in retrieval of harvested game.

vii. You must notify and receive permission from a Service law enforcement officer, refuge manager, or designee if you need to retrieve game from a closed refuge area or a hunting area for which you do not possess a valid permit (see § 26.21(a) of this chapter).

viii. You must park in designated areas. We prohibit parking in front of any gate. Parked vehicles may not impede any road traffic (see § 27.31(h) of this chapter).

ix. You may enter the refuge up to 2 hours before legal morning shooting time. You must stop hunting by 3 p.m. and leave the hunting area or unit by 4 p.m., except when snow goose hunting, in the designated snow goose area, during the snow goose conservation order season.

x. You must complete and return a Migratory Bird Hunt Report (FWS Form 3–2361), available at the refuge administration office or on the refuge's Web site, within 15 days of the close of the season.

xi. We prohibit the use of natural vegetation for camouflaging blind material (see § 27.51(a) of this chapter).

xii. We prohibit entry to designated safety zones as identified by polygons on the refuge map.

xiii. You may access the Lottery Waterfowl hunt area by boat. The maximum horsepower allowed for boat motors is 30 horsepower (HP). You must abide by the slow, no-wake zones on designated portions of refuge waterways as depicted in maps or within the brochure.

xiv. We allow the use of non-motorized boats within the Walk-in Hunt Area. Boats may be transported to refuge waters by hand or by the use of a cart.

2. General and Disabled Waterfowl Draw Hunt Areas.

i. You must obtain a Daily General or Disabled Waterfowl Draw Area Permit (signed brochure), which reserves your hunt unit/area/site in advance for a specific date using an online system. Only hunters age 16 or older may reserve a hunt unit.

ii. You must print and validate your Daily Waterfowl Draw Area Permit (signed brochure) with your signature in ink.

iii. You must hunt from your boat or, if applicable, provided blind. You must hunt within 75 feet (22.9 meters) of your designated site.

iv. We allow you to have up to two additional hunters accompany you on your reserved site.

v. Disabled Waterfowl Draw Area.

a. All disabled hunters must possess and carry a State of Delaware Certified Hunter with Disabilities Card while hunting in disabled areas. We will not accept photocopies or electronic copies of these forms.

b. Disabled hunters may have a non-hunting assistant who is age 18 or older. The assistant must remain within sight and normal voice contact; must not be engaged in hunting; and must possess a valid refuge hunt brochure signed in ink and a valid government-issued photo identification. Any assistant engaged in hunting must possess and carry all documents as specified in A.1.iii.

c. We do not allow assistants to enter a designated disabled hunting area unless they are accompanied by a certified disabled hunter.

d. We do not require assistants to maintain sight and normal voice contact while retrieving game.

B. Upland Game Hunting. We allow hunting of rabbit, quail, pheasant, and red fox on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. A.1.i. through A.1.viii. and A.1.xii. apply.

2. We prohibit shooting a projectile from a firearm, muzzleloader, bow, or crossbow from, down, or across any refuge road. A refuge road is any road that is traveled by vehicular traffic.

3. You must make a reasonable effort to retrieve all wounded or killed game and include it in your daily bag limit. We prohibit leaving entrails or other waste within 50 feet (15.2 meters) of any road, parking area, trail, or refuge structure on the refuge.

4. You must use daylight florescent orange in accordance with State regulations (see § 32.2(d) of this chapter).

5. You may enter the refuge no earlier than 1 hour before legal morning shooting time and you must exit the refuge by 1 hour after legal sunset.

6. We prohibit the use of centerfire and rimfire rifles.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. General Hunt Regulations.

i. Conditions A.1.i. through A.1.v., A.1.vii., A.1.viii., A.1.xii., B2, and B3 apply.

ii. We prohibit organized deer drives.

iii. We allow the use of temporary tree stands and blinds for hunting. All stands and blinds left on refuge property

unoccupied must be tagged in plain sight with your permit number and the years that are printed on your permit. You must remove all stands and blinds by legal sunset of a date established annually by the refuge manager. We are not responsible for damage, theft, or use of the stand by other hunters.

iv. You may use marking devices, including flagging or tape, but you must remove them by legal sunset on a date established annually by the refuge manager. You may not use paint or any other permanent marker to mark trails.

v. You must use daylight florescent orange in accordance with State regulations during all designated firearm and muzzleloader deer hunts (see § 32.2(d) of this chapter).

2. General and Disabled Deer Draw Hunt Areas.

i. Youth hunters must obtain a hunting permit before applying for a General and Disabled Deer Draw Area Permit (signed brochure). Hunters age 15 or younger must obtain a hunting permit; however, A.1.iv. still applies.

ii. You must obtain a Daily General or Disabled Deer Draw Area Permit (signed brochure), which reserves your hunt unit/area/site in advance for a specific date using an online system.

iii. You must print and sign your Daily Deer Draw Area Permit (signed brochure) in ink.

3. For designated disabled hunt areas, A.2.v. applies.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A.1.i. through A.1.iv. apply for those age 17 and older.

2. All youth age 16 or younger must be accompanied by a licensed angler age 18 or older who possesses all documents required in D.1.i.

3. The refuge is open from ½ hour before legal sunrise to ½ hour after legal sunset.

4. Other than using motor vehicles on designated roads, you may only access the refuge by foot, except as authorized by the refuge manager.

5. We allow fishing and crabbing from boats and from designated areas of the refuge, on designated days, during designated times, routes of travel, waterways, and launch sites.

i. You must remove boats from the water by legal sunset.

ii. When on Turkle and Fleetwood Ponds, you may only propel boats manually or with electric motors.

iii. We allow a maximum of 30 horsepower (HP) outboard or motor.

iv. You must abide by the slow, no-wake zones on designated portions of refuge waterways as depicted in maps or within the brochure.

6. Fishing tackle and crabbing gear:

i. You must use hook-and-line tackle when fishing for finfish.

ii. You may use only hand lines, crab dip nets, hoop crab nets, and/or manually operated crab traps (collapsible traps) in any combination for crabbing.

iii. You must attend to your crabbing and fishing lines or gear at all times.

■ 7. Amend § 32.28 by:

■ a. Under the entry Lake Woodruff National Wildlife Refuge:

■ i. Revising paragraphs C.1, C.2, C.8, and C.16;

■ ii. Adding paragraphs C.17 and C.18;

■ iii. Removing paragraph D.5; and

■ iv. Redesignating paragraph D.6 as D.5;

■ b. Under the entry Lower Suwanee National Wildlife Refuge:

■ i. Revising paragraphs A.9, A.12, and A.14; and

■ ii. Adding paragraph D.4; and

■ c. Under the entry Merritt Island National Wildlife Refuge:

■ i. Revising paragraphs A.3 through A.6;

■ ii. Adding paragraphs A.10 and A.11;

■ iii. Revising paragraphs A.14, A.16, C.8, C.15, C.16, C.24, and D.3;

■ iv. Removing paragraph D.9;

■ v. Redesignating paragraphs D.10 through D.14 as D.9 through D.13, respectively;

■ vi. Removing paragraph D.15;

■ vii. Redesignating paragraphs D.16 and D.17 as D.14 and D.15, respectively;

■ viii. Revising newly redesignated paragraph D. 14; and

■ ix. Removing paragraph D.18.

The additions and revisions read as follows:

§ 32.28 Florida.

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Lake Woodruff National Wildlife Refuge

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C. * * *

1. You must have a valid signed Lake Woodruff National Wildlife Refuge Big Game Permit (signed brochure). The permits (signed brochure) are free and nontransferable, and anyone on refuge land engaged in hunting must sign and carry the permit at all times.

2. You must obtain a State-issued Lake Woodruff Quota Hunt Permit (Quota Permit), which can be purchased through Florida Fish and Wildlife Conservation Commission (FWC). You must have on your person all applicable Florida hunting licenses and permits. State requirements for hunter safety apply.

* * * * *

8. Hunting areas on the refuge are seasonally closed to all public use except to permitted hunters during the season, and are marked on refuge maps. The refuge is closed between legal sunset and legal sunrise, except permitted hunters may access the refuge 2 hours prior to legal sunrise each hunting day. All hunters must leave the refuge within 2 hours of legal sunset.

* * * * *

16. Archery hunters must wear a vest or jacket containing back and front panels of at least 500 square inches (3,226 square centimeters) of solid-fluorescent-orange color when moving to and from their vehicle, to their deer stand or their hunting spot, and while tracking or dragging out deer.

17. We prohibit using dogs for tracking unless authorized by a Federal wildlife officer. Dogs must remain on a leash and be equipped with a GPS tracking device.

18. It is unlawful to drive nails, spikes, or other metal objects into any tree, or to hunt from any tree in which a metal object has been driven (see § 32.2(i) of this chapter).

* * * * *

Lower Suwanee National Wildlife Refuge

A. * * *

9. In addition to State hunter-education requirements, an adult (parent or guardian) age 21 or older must supervise and must remain within sight of and in normal voice contact of the youth hunter age 15 or younger. Parents or adult guardians are responsible for ensuring that hunters age 15 and younger do not engage in conduct that would constitute a violation of refuge regulations. An adult may not supervise more than two youths.

* * * * *

12. We prohibit marking any tree, or other refuge feature, with flagging, litter, paint, tacks, spider eyes, or blaze.

* * * * *

14. You may leave a temporary tree stand on refuge property starting 1 week before archery season, but you must remove it by the last day of hog season. All tree stands left on the refuge within the hunt season must display the hunter's name and hunting license number legibly written on or attached to the stand. We may seize and dispose of any tree stands not in compliance, according to Federal regulations. You may also use a temporary tree stand during small game season, but you must remove it by the last day of small game season.

* * * * *

D. * * *

4. We prohibit the use or possession of alcohol while fishing.

* * * * *

Merritt Island National Wildlife Refuge

A. * * *

3. You must carry (or hunt within 30 yards of a hunter who possesses) a valid State-issued Merritt Island Waterfowl Quota Permit (Waterfowl Quota Permit), which can be purchased through the Florida Fish and Wildlife Conservation Commission (FWC) while hunting in areas 1 or 4 from the beginning of the regular waterfowl season through the end of January. The Waterfowl Quota Permit can be used for a single party consisting of the permit holder and up to three guests. The permit holder must be present.

4. During the State's waterfowl season, we allow hunting on Wednesdays, Saturdays, Sundays, and the following Federal holidays: Thanksgiving, Christmas, and New Year's Day.

5. We allow hunting in four designated areas of the refuge as delineated in the refuge hunting regulations map. We prohibit hunters entering the normal or expanded restricted areas of the Kennedy Space Center (KSC). Merritt Island National Wildlife Refuge and KSC maintain the right to close any portion of the refuge for any length of time. In that case, we will not refund or reissue any permits.

6. We allow hunting of waterfowl on refuge-established hunt days from ½ hour before legal sunrise until 12 p.m. (noon). Hunters must remove all equipment and check out at the refuge check station prior to 1 p.m. daily.

* * * * *

10. We prohibit accessing a hunt area from Black Point Wildlife Drive, Playalinda Beach Road (Beach Road), and Scrub Ridge Trail. We prohibit launching a boat and leaving vehicles parked for hunting purposes on Black Point Wildlife Drive, Playalinda Beach Road (Beach Road), or Scrub Ridge Trail.

11. We prohibit construction of permanent blinds or digging into dikes (see § 27.92 of this chapter).

* * * * *

14. You must leave the refuge by 1 p.m. Prior to that, you must stop at posted refuge waterfowl check stations and report statistical hunt information on the Migratory Bird Hunt Report (FWS Form 3–2361) to refuge personnel.

* * * * *

16. You may use gasoline or diesel motors only inside the impoundment perimeter ditch. Outside the perimeter ditch, vessels must be propelled by paddling, push pole, or electric trolling motor.

* * * * *

C. * * *

8. You are prohibited from entering the normal or expanded restricted areas of KSC. Merritt Island National Wildlife Refuge and KSC maintain the right to close any portion of the refuge for any length of time. In that case, we will not refund or reissue any permits.

* * * * *

15. We allow legally permitted hunters to scout within their permitted zones up to 7 days prior to their permitted hunts. You must carry your valid Quota Hunt Permit identifying the permitted hunt zone while scouting. You may not possess hunting weapons while scouting.

16. We allow parking for scouting and/or hunting only along State Road (SR) 3, but not within the hunt areas or on any road marked as ''Area Closed.''

* * * * *

24. The bag limit and antler requirements for white-tailed deer on the refuge will follow State regulations but will not exceed two deer per hunt. We define antlered and antlerless deer according to State regulations.

* * * * *

D. * * *

3. You may launch boats for night fishing and boating activities only from Bair's Cove, Beacon 42, and Biolab boat ramps.

* * * * *

14. When inside the impoundment perimeter ditch, you may use gasoline or diesel motors. Outside the perimeter ditch, vessels must be propelled by paddling, push pole, or electric trolling motor.

* * * * *

■ 8. Amend § 32.29 by revising paragraphs A, B, and C under the entry Savannah National Wildlife Refuge to read as follows:

§ 32.29 Georgia.

* * * * *

Savannah National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl and mourning dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. All hunters age 16 and older must possess and carry a signed refuge hunt permit (name/address/phone) and a State license. We charge a fee for all hunt permits.

2. To participate in the youth waterfowl hunt, youth hunters must submit the Waterfowl Lottery Application (FWS Form 3–2355). You must pay an application fee to enter the hunt drawing.

3. We allow temporary blinds only. You must remove decoys and other personal property from the refuge daily (see § 27.93 of this chapter).

4. We allow shotguns for all migratory game bird hunting, but only with nontoxic shot size #2 or smaller.

5. Youth hunters, defined as those age 15 and younger, must remain within sight and normal voice contact of an adult age 21 or older; the adult must possess a valid hunting license for the State in which they are hunting. One adult may supervise no more than two youth hunters.

6. You may take feral hog and coyote during all refuge hunts (migratory bird, upland, and big game) with weapons authorized and legal for those hunts.

7. You may use retrieving dogs. Dogs must remain under direct and constant control of the hunter.

8. You must comply with all provisions of State and local law when possessing, transporting, or carrying firearms on national wildlife refuges. You may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32.)

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A6, and A8 apply.

2. For squirrel hunting, we allow rimfire rifles, rimfire pistols, or shotguns with nontoxic shot size #2 shot or smaller. We recommend but do not require solid copper or other nontoxic rimfire bullets. For rabbit hunting, we allow shotguns, but only with nontoxic shot size #2 or smaller.

3. You may not hunt on or within 100 yards (90 meters) of public roads, refuge facilities, roads and trails, and railroad rights-of-way, or in closed areas.

4. You may not use dogs for upland game hunting.

5. During the period when upland game hunting coincides with the refuge gun hunt for deer and hogs, you must wear an outer garment containing a minimum of 500 square inches (3,226 square centimeters) of hunter-orange material above the waistline.

6. Youth hunters, defined as those age 15 and younger, must remain within sight and normal voice contact of an adult age 21 or older; the adult must possess a valid hunting license for the State in which they are hunting. One adult may supervise no more than one youth hunter.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, feral hog, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A6, A8, B3, and B6 apply.

2. To participate in the gun hunt for wheelchair-dependent hunters, hunters must submit the Quota Deer Hunt Application (FWS Form 3–2354). To participate in the Youth Turkey Hunt & Learn Weekend, youth hunters must submit the Big/Upland Game Hunt Application (FWS Form 3–2356). You must pay an application fee to enter these hunt drawings.

3. To participate in the youth-only deer or turkey hunts, youth hunters must request a free hunt permit from the refuge headquarters.

4. You may only use bows, in accordance with State regulations, for deer, hog, and coyote hunting during the archery hunt for these species.

5. You may only use shotguns (20 gauge or larger, slugs only), center-fire rifles, center-fire pistols, muzzleloaders, and bows, in accordance with State regulations, for deer, hog, and coyote hunting during the firearm hunts for these species.

6. You must remove hunt stands following each day's hunt (see § 27.93 of this chapter).

7. Hunters may take as many as five deer (no more than two antlered). There is no bag limit on feral hog or coyote.

8. Turkey hunters may harvest only three gobblers (male turkey).

9. We allow only shotguns with nontoxic #2 shot or smaller, and bows, in accordance with State regulations, for turkey hunting. We prohibit the use of slugs or buckshot for turkey hunting.

10. We prohibit the use of trail or game cameras. We also prohibit the use of trail marking tacks, bright eyes, reflectors, reflecting tape, and any other markers, including biodegradable markers such as toilet paper and paper tape.

11. We prohibit the use of dogs for big game hunting.

* * * * *

■ 9. Amend § 32.32 by adding in alphabetical order an entry for Kankakee National Wildlife Refuge to read as follows:

§ 32.32 Illinois.

* * * * *

Kankakee National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved].

B. Upland Game Hunting. We allow hunting of wild turkey on the Kolar Savanna Unit in accordance with State seasons and regulations, and subject to the following condition: For hunting, you may possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer on the Kolar Savanna Unit in accordance with State seasons and regulations.

D. Sport Fishing. [Reserved].

* * * * *

■ 10. Amend § 32.37 by:

■ a. Revising paragraph A.19 under the entry Bayou Sauvage National Wildlife Refuge;

■ b. Revising paragraphs A.14, C.3, C.5, and C.7 under the entry Bayou Teche National Wildlife Refuge;

■ c. Under the entry Big Branch Marsh National Wildlife Refuge:

■ i. Revising paragraphs A.15, C.5, C.6, D.5, and D.6; and

■ ii. Adding paragraph D.8;

■ d. Under the entry Bogue Chitto National Wildlife Refuge:

■ i. Revising paragraphs A.6, A.7, A.10, A.11, B.4, C.3, and C.8;

■ ii. Adding paragraphs C.11 and C.12; and

■ iii. Revising paragraph D.3;

■ e. Revising paragraphs B.2, B.7, and C.5 under the entry Catahoula National Wildlife Refuge;

■ f. Revising paragraph A.16 under the entry Delta National Wildlife Refuge; and

■ g. Revising paragraph A.12 under the entry Mandalay National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.37 Louisiana.

* * * * *

Bayou Sauvage National Wildlife Refuge

A. * * *

19. We prohibit the use of any type of material used as flagging or trail markers, except reflective tacks.

* * * * *

Bayou Teche National Wildlife Refuge

A. * * *

14. We prohibit the use of any type of material used as flagging or trail markers, except reflective tacks.

* * * * *

C. * * *

3. We allow hunting in the Centerville, Garden City, Bayou Sale, North Bend East, and North Bend West Units. We do not allow hunting within 500 feet (152.4 meters) of the Garden City parking area and boardwalk. The Bayou Sale Unit is not open for big game firearm hunts.

* * * * *

5. You may take feral hogs only as incidental take while participating in the refuge deer archery hunt.

* * * * *

7. During deer gun seasons, all hunters, except waterfowl hunters, must wear and display 400 square inches (2,580.6 square centimeters) of unbroken hunter-orange or blaze pink as the outermost layer of clothing on the chest and back and a hunter-orange or blaze pink cap. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches (2,580.6 square centimeters) of hunter-orange or blaze pink above or around their blinds; this must be visible from 360 degrees.

* * * * *

Big Branch Marsh National Wildlife Refuge

A. * * *

15. We prohibit all-terrain vehicles (ATVs) and utility-terrain vehicles (UTVs).

* * * * *

C. * * *

5. You may erect temporary deer stands 2 days prior to the start of deer archery season. You must remove all deer stands within 2 days after the archery deer season closes. You may place only one deer stand on the refuge. Deer stands must have the owner's name, address, and phone number clearly printed on the stand. Hunting stands are not allowed on trees painted with white bands. You must place stands in a non-hunting position when not in use (see § 27.93 of this chapter).

6. You may take hogs only as incidental take while participating in the refuge deer archery hunt.

* * * * *

D. * * *

5. We prohibit all commercial finfishing and shellfishing, including guiding, outfitting, lodging, club membership, or participating in a paid guided fishing trip (see § 27.97 of this chapter).

6. Conditions A6, A8, A9, and A14 through A17 apply.

* * * * *

8. You must attend to any fishing, crabbing, and crawfishing equipment at all times.

* * * * *

Bogue Chitto National Wildlife Refuge

A. * * *

6. An adult at least age 21 must supervise youth hunters during all

hunts. State regulations define youth hunter age and hunter-education requirements. One adult may supervise two youths during small game hunts and migratory bird hunts but may supervise only one youth during big game hunts. Youths must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that youth hunters do not engage in conduct that would constitute a violation of refuge regulations.

7. We prohibit hunting within 150 feet (45.7 meters) from the centerline of any public road, refuge road, designated or maintained trail, building, residence, designated camping area, or designated public facility, or from or across aboveground oil, gas, or electric facilities. We prohibit hunting in refuge-designated closed areas, which we post on the refuge and identify in the refuge hunt permits.

* * * * *

10. You may not act as a hunting guide, outfitter, or in any other capacity whereby another individual(s) pays or promises to pay directly or indirectly for services rendered. You may not provide payment to any other person or persons for hunting on the refuge, regardless of whether the payment is for guiding, outfitting, lodging, or club membership (see § 27.97 of this chapter).

11. We prohibit horses, trail cameras, all-terrain vehicles (ATVs), and utility-terrain vehicles (UTVs), except UTVs are allowed on designated physically challenged hunt trails for big game. We provide specific size and tire pressure restrictions for UTVs in the refuge hunt permit (signed brochure).

* * * * *

B. * * *

4. All hunters in Louisiana (including archery hunters and small game hunters), except waterfowl hunters, must wear and display not less than 400 square inches (2,580.6 square centimeters) of unbroken hunter-orange or blaze pink as the outermost layer of clothing on the chest and back and a hunter-orange cap during deer gun seasons. While walking to and from elevated stands, all deer hunters must display a minimum of 400 square inches (2,580.6 square centimeters) of hunter-orange or blaze pink or a hunter-orange or blaze pink hat. All hunters in Mississippi must wear at least 500 square inches (3,226 square centimeters) of hunter-orange or blaze pink; this replaces the 400 square inches (2,580.6 square centimeters) required in Louisiana. During the dog season for squirrels and rabbits, all hunters, except waterfowl hunters, must wear a hunter-orange or blaze pink hat. Deer hunters hunting from concealed blinds must display at least 400 square inches (2,580.6 square centimeters) of hunter-orange or blaze pink above or around their blinds; this must be visible from 360 degrees.

* * * * *

C. * * *

3. We allow archery deer hunting during the open State deer archery season. You may take deer of either sex in accordance with State regulations. The State season limits apply.

* * * * *

8. You may take hog as incidental game while participating in the refuge archery, primitive weapon, and general gun deer hunts and where otherwise specified. We list specific dates for the special hog hunts in February in the refuge hunt permit (signed brochure). During the special hog hunt in February, you must use trained hog-hunting dogs to aid in the take of hog. During the special hog hunt, you may take hog from ½ hour before legal sunrise until ½ hour after legal sunset. You may possess only approved nontoxic shot or pistol or rifle ammunition not larger than .22 caliber rimfire to take the hog after it has been caught by dogs. Condition A8 applies during special hog hunts in February.

* * * * *

11. We prohibit using shot larger than BB lead or T steel while hunting during turkey season.

12. We allow physically challenged big game hunters exclusive use of designated physically challenged hunt trails with limited use of UTVs in accordance with specific size and weight specifications. Specific hunt trails will be designated on the refuge hunt permit. Physically challenged hunters must pre-register hunting dates and specific location at the refuge office. An assistant may accompany the physically challenged hunter, but the assistant may not hunt.

D. * * *

3. We close the fishing ponds at the Pearl River Turnaround to fishing from April through the first full week of June and to boating during the months of April, May, June, and July.

* * * * *

Catahoula National Wildlife Refuge

* * * * *

B. * * *

2. At the Headquarters Unit, we only allow squirrel and rabbit hunting. We set seasons annually.

* * * * *

7. You may use shotguns for hunting but only with nontoxic shot and rifles .22 caliber rimfire or smaller. We prohibit possession of toxic shot when hunting.

C. * * *

5. We allow hunting of deer with primitive firearms during the first segment of the State season for area 1, weekdays only (Monday through Friday) and 2 days in December with these dates set annually. We allow either-sex, deer gun hunting for the Friday, Saturday, and Sunday immediately following Thanksgiving Day and for 2 days in December with these dates to be set annually.

* * * * *

Delta National Wildlife Refuge

A. * * *

16. We prohibit the use of any type of material used as flagging or trail markers, except reflective tacks.

* * * * *

Mandalay National Wildlife Refuge

A. * * *

12. We prohibit the use of any type of material used as flagging or trail markers, except reflective tacks.

* * * * *

■ 11. Amend § 32.39 by:

■ a. Revising paragraphs A, C, D.2, and D.3 under the entry Blackwater National Wildlife Refuge; and

■ b. Revising paragraph C and D.4 under the entry Eastern Neck National Wildlife Refuge.

The revisions read as follows:

§ 32.39 Maryland.

* * * * *

Blackwater National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose and duck on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must obtain a refuge waterfowl hunting permit (signed brochure) by signing the corresponding season's refuge waterfowl hunting brochure in ink. You must abide by the terms and conditions outlined in the brochure (see § 32.2(e) of this chapter). Refuge waterfowl hunting brochures contain seasons, bag limits, methods of hunting, maps depicting areas open to hunting, hunt unit reservation procedures, and the terms and conditions under which we issue hunting permits. They are available at the refuge visitor center, administration office, and on the refuge's Web site.

2. You must reserve your hunt unit in advance for a specific date using the call reservation system. You must be age 18 or older to reserve a hunt unit.

3. Up to three additional hunters may accompany you on your reserved unit.

4. You and those who accompany you must possess on your person a valid Maryland hunting license and all required stamps, a valid form of government-issued photo identification, and a printed valid hunting permit (signed brochure) at all times while on refuge property. We will not accept photocopies or electronic copies of these forms.

5. We prohibit the use of natural vegetation for camouflaging blind material.

6. Other than using motor vehicles on designated roads, you may only access the refuge by foot, except as authorized by the refuge manager.

7. You may use trained dogs to assist in the retrieval of harvested birds.

* * * * *

C. Big Game Hunting. We allow the hunting of white-tailed and sika deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. General Hunt Regulations.

i. Condition A6 applies.

ii. You must obtain a deer or turkey hunting permit (Big/Upland Game Hunt Application, FWS Form 3–2356 or Quota Deer Hunt Application, FWS Form 3–2354). Hunting brochures, hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits are available at the refuge visitor center, administration office, and on the refuge's Web site.

iii. You must possess on your person at all times while on refuge property: A valid Maryland hunting license and all required stamps, a valid form of government-issued photo identification, and a printed valid hunting permit (Big/Upland Game Hunt Application, FWS Form 3–2356 or Quota Deer Hunt Application, FWS Form 3–2354) issued by the refuge. We will not accept photocopies or electronic copies of these forms.

iv. You may not hunt from a permanently constructed tree stand or blind.

v. We prohibit organized deer drives, unless otherwise authorized by the refuge manager on designated hunt days.

vi. You must notify and receive permission from a Service law enforcement officer, refuge manager, or designee if you need to retrieve game from a refuge closed area or a hunting area for which you do not possess a valid permit.

vii. We prohibit shooting a projectile from a firearm, muzzleloader, bow, or crossbow from, down, or across any refuge road. A refuge road is any road that is traveled by vehicular traffic.

viii. We prohibit parking in front of any gate. Parked vehicles may not impede any road traffic (see § 27.31(h) of this chapter).

ix. You must make a reasonable effort to retrieve all wounded or killed game and include it in your daily bag limit. We prohibit leaving deer or turkey entrails or other waste within 50 feet (15.2 meters) of any road, parking area, trail, or refuge structure on the refuge.

x. We allow the use of temporary tree stands and blinds for hunting. All stands and blinds left on refuge property, unoccupied, must be tagged in plain sight with your permit number and the years that are printed on your permit. You must remove all stands and blinds by legal sunset of a date established annually by the refuge manager.

xi. We allow the use of marking devices, including flagging or tape, but you must remove them by legal sunset of a date established annually by the refuge manager. You may not use paint or any other permanent marker to mark trails.

xii. You must wear fluorescent orange in accordance with State regulations during all designated firearm and muzzleloader deer hunts.

xiii. You must check all deer harvested at the refuge-sponsored check station during hunt days when the refuge-sponsored check station is open. If you fail to check deer during operation hours of the check station, you must notify the hunt coordinator by noon on the day after your kill.

xiv. You must adhere to the bag limits set forth annually in the brochure. Deer harvested on the refuge do not count toward State bag limits but must be recorded and checked with the State. Deer harvested on the refuge must be checked pursuant to the refuge hunt in which they are taken, regardless of the weapon used or corresponding State season.

xv. The maximum speed limit on all refuge unpaved roads is 15 miles per hour (MPH).

xvi. We prohibit the use of rimfire or centerfire rifles and all handguns, including muzzleloading pistols, for hunting.

2. Archery Deer Hunt.

i. We do not allow archery hunters to hunt within areas designated for the youth hunt on designated days.

ii. Archery hunters are not required to wear fluorescent orange during State youth hunt days.

3. Turkey Hunt.

i. We allow you to take one bearded turkey per year; turkeys taken on the refuge count toward the State bag limit.

ii. We allow turkey hunt permit holders to have an assistant, who must remain within sight and normal voice contact.

a. Assistants must not be engaged in hunting; must read the turkey hunting brochure; and must sign, in ink, the permit (Big/Upland Game Hunt Application, FWS Form 3–2356 or Quota Deer Hunt Application, FWS Form 3–2354) of the person they are assisting.

b. Assistants must possess a valid government-issued photo identification on their person while assisting.

c. Assistants who call and/or set up decoys must possess a valid Maryland hunting license.

4. Youth Deer and Turkey Hunt.

i. We allow hunters to hunt on designated areas on designated days (Youth Hunt) if they meet the criteria of a ''youth hunter'' as defined by State law.

ii. Youth hunters must be accompanied by an assistant consistent with the regulations established by State law.

iii. All youth deer hunters and their assistants must wear fluorescent orange in accordance with State regulations while hunting in designated youth hunt areas.

iv. Assistants must possess a valid refuge hunt brochure, signed in ink, and a valid government-issued photo identification.

v. Deer taken during youth days do not count toward the State bag limit and are in addition to any other deer taken during any other hunts on the refuge.

vi. Deer and turkey taken must be recorded and checked with the State.

5. Designated Disabled Hunt Areas.

i. All disabled hunters must possess a Federal Government Access pass (OMB Control 1024–0252).

ii. Disabled hunters are required to have their Federal Government Access pass (OMB Control 1024–0252) in their possession while hunting in disabled areas. We will not accept photocopies or electronic copies.

iii. Disabled hunters may have an assistant, at least age 18, who must remain within sight and normal voice contact.

a. Non-hunting assistants must not be engaged in hunting and must possess a valid refuge hunt brochure, signed in ink, and a valid government-issued photo identification. Non-hunting assistants must also use fluorescent orange in accordance with condition C.1.xii.

b. Assistants who wish to hunt deer must possess a valid hunt permit (Big/Upland Game Hunt Application, FWS Form 3–2356 or Quota Deer Hunt Application, FWS Form 3–2354) for that day for any hunt area.

c. We do not allow assistants to enter a designated disabled hunting area unless they are accompanied by a certified disabled hunter.

d. All refuge-provided hunt blinds are reserved for disabled hunters only; however, when a disabled hunter and their assistant occupy the same blind, both may take game.

e. We do not require assistants to maintain sight and normal voice contact while retrieving game.

iv. We only allow disabled hunters to operate all-terrain vehicles (ATVs) and off-road vehicles (ORVs); when the disabled hunter is unable to physically do so, the assistant may operate the ATV/ORV.

a. Assistants may not operate an ATV/ORV without being accompanied on the same ATV/ORV by a disabled hunter.

b. ATVs/ORVs must have at least one headlight and one red tail light that are operational between legal sunset and legal sunrise.

c. Anyone who operates or rides on an ATV/ORV must wear protective headgear that meets the standards established in Transportation Article, section 21–1306, Annotated Code of Maryland, and use an eye-protective device or a windscreen that is of a type approved in Transportation Article, section 21–1306, Annotated Code of Maryland.

d. We only allow ATVs/ORVs to be operated on established routes of travel and around field edges.

e. We do not allow ATVs/ORVs to be operated in excess of 15 MPH.

D. * * *

* * * * *

2. We allow only fishing and crabbing from the Key Wallace roadway (bridge) across the Little Blackwater River and by boat, unless otherwise authorized by the refuge manager.

3. You must possess a valid Maryland sport fishing license, all required stamps, and a valid form of government-issued photo identification while fishing on the refuge.

* * * * *

Eastern Neck National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State hunting regulations and subject to the following conditions:

1. General Hunt Regulations.

i. You must obtain a deer or turkey hunting permit (Big/Upland Game Hunt Application, FWS Form 3–2356). Hunting brochures contain hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits. They are available at the refuge visitor center, administration office, and on the refuge's Web site.

ii. You must possess on your person at all times while on refuge property: A valid Maryland hunting license and all required stamps, a valid form of government-issued photo identification, and a valid hunting permit (Big/Upland Game Hunt Application, FWS Form 3–2356) issued by the refuge. We will not accept photocopies or electronic copies of these documents.

iii. You must display your refuge hunt parking pass in plain sight, on the dash of your vehicle during hunt and scout days.

iv. We prohibit hunting from a permanently constructed tree stand or blind.

v. You must notify and receive permission from a Service law enforcement officer, refuge manager, or designee if you need to retrieve game from a refuge closed area or a hunting area for which you do not possess a valid permit (Big/Upland Game Hunt Application, FWS Form 3–2356).

vi. Other than using motor vehicles on designated roads, you may only access the refuge by foot, except as authorized by the refuge manager.

vii. We prohibit shooting a projectile from a firearm, muzzleloader, bow, or crossbow from, down, or across any refuge road. A refuge road is any road that is traveled by vehicular traffic.

viii. You must park in designated areas. We prohibit parking in front of any gate. Parked vehicles may not impede any road traffic (see § 27.31(h) of this chapter).

ix. You must make a reasonable effort to retrieve all wounded or killed game and include it in your daily bag limit. We prohibit leaving deer entrails or other waste within 50 feet (15.2 meters) of any refuge road, trail, parking area, or structure.

x. We allow the use of temporary tree stands and blinds for hunting. All stands and blinds left on refuge property, unoccupied, must be tagged in plain sight with your permit number and the years that are printed on your permit. You must remove all stands and blinds by legal sunset of a date established annually by the refuge manager.

xi. We allow the use of marking devices, including flagging or tape, but they must be removed by legal sunset of date established annually by the refuge. You may not use paint or any other permanent marker to mark trails.

xii. You must use florescent orange in accordance with State regulations during all designated firearm and muzzleloader deer hunts.

xiii. We prohibit the use of rimfire or centerfire rifles and all handguns, including muzzleloading pistols, for hunting.

xiv. You must adhere to the bag limits set fourth annually in the brochure. Deer harvested on the refuge do not count toward State bag limits but must be recorded and checked with the State. Deer harvested on the refuge must be checked pursuant to the refuge hunt in which they are taken, regardless of the weapon used or corresponding State season.

xv. The maximum speed limit on unpaved refuge roads is 15 miles per hour (MPH).

2. Youth Deer Hunt.

i. We allow hunters to hunt on designated areas on designated days (Youth Hunt) if they meet the criteria of a ''youth hunter'' as defined by State law.

ii. Youth hunters must be accompanied by an assistant consistent with the regulations established by State law.

iii. All youth deer hunters and their assistants must wear fluorescent orange in accordance with State regulations while hunting in designated youth hunt areas.

iv. Assistants must possess a valid refuge hunt brochure, signed in ink, and a valid government-issued photo identification.

v. Deer taken during youth days do not count toward the State bag limit and are in addition to any other deer taken during any other hunts on the refuge.

vi. Deer taken must be recorded and checked with the State.

3. Designated Disabled Hunt.

i. All disabled hunters must possess a Federal Government Access pass (OMB Control 1024–0252). Disabled hunters are required to have their Federal Government Access pass (OMB Control 1024–0252) in their possession while hunting in disabled areas. We will not accept photocopies or electronic copies of the Federal Government Access pass.

ii. Disabled hunters may have an assistant who must be age 18 or older and remain within sight and normal voice contact.

a. Non-hunting assistants must not be engaged in hunting and must possess a valid refuge hunt brochure, signed in

ink, and a valid government-issued photo identification. We will not accept photocopies of these documents. Non-hunting assistants must also wear fluorescent orange in accordance with C.1.xii.

b. Assistants who wish to deer hunt must possess a valid refuge hunt permit (Big/Upland Game Hunt Application, FWS Form 3–2356) for that day.

c. We do not allow assistants to enter a designated disabled hunting area unless they are accompanied by a certified disabled hunter.

d. All refuge-provided hunt blinds are reserved for disabled hunters only; however, when a disabled hunter and their assistant occupy the same blind, both may take game.

e. We do not require assistants to maintain sight and normal voice contact while retrieving game.

iii. We allow only disabled hunters to operate all-terrain vehicles (ATVs) and off-road vehicles (ORVs); when the disabled hunter is unable to physically do so, the assistant may operate the ATV/ORV.

a. Assistants may not operate an ATV without being accompanied on the same ATV by a disabled hunter.

b. ATVs/ORVs must have at least one headlight and one red tail light that are operational between legal sunset and legal sunrise.

c. Anyone who operates or rides on a ATV/ORV must wear protective headgear that meets the standards established in Transportation Article, section 21–1306, Annotated Code of Maryland, and must use an eye-protective device or a windscreen of a type approved in Transportation Article, section 21–1306, Annotated Code of Maryland.

d. We only allow ATVs/ORVs to be operated on established routes of travel and around field edges.

e. We do not allow ATVs/ORVs to be operated in excess of 15 miles per hour (MPH).

D. * * *

4. You must possess a valid Maryland sport fishing license and all required stamps, and valid form of government-issued photo identification while fishing on the refuge.

* * * * *

■ 12. Amend § 32.43 by:

■ a. Under the entry Hillside National Wildlife Refuge:

■ i. Revising paragraphs A.1 and A.7;

■ ii. Redesignating paragraph A.21 as A.22; and

■ iii. Adding a new paragraph A.21;

■ b. Revising paragraph B.6 under the entry Holt Collier National Wildlife Refuge;

■ c. Under the entry Mathews Brake National Wildlife Refuge:

■ i. Revising paragraph A.7; and

■ ii. Adding paragraph A.22;

■ d. Under the entry Morgan Brake National Wildlife Refuge:

■ i. Revising paragraph A.7; and

■ ii. Adding paragraph A.21;

■ e. Under the entry Panther Swamp National Wildlife Refuge:

■ i. Revising paragraph A introductory text and paragraph A.7; and

■ ii. Adding paragraphs A.22 and C.9; and

■ f. Under the entry Yazoo National Wildlife Refuge:

■ i. Revising paragraph A.7;

■ ii. Adding paragraph A.20; and

■ iii. Revising paragraphs B introductory text and C introductory text.

The additions and revisions read as follows:

§ 32.43 Mississippi.

* * * * *

Hillside National Wildlife Refuge

A. * * *

1. Each person age 16 and older hunting or fishing must possess a valid Theodore Roosevelt Complex Annual Public Use Permit (name/address/phone number).

* * * * *

7. We prohibit the use of plastic flagging tape, reflective tacks, and other similar marking devices.

* * * * *

21. Waterfowl hunters are limited to 25 shotshells per person in the field.

* * * * *

Holt Collier National Wildlife Refuge

* * * * *

B. * * *

6. We prohibit the use of plastic flagging tape, reflective tacks, and other similar marking devices.

* * * * *

Mathews Brake National Wildlife Refuge

A. * * *

7. We prohibit the use of plastic flagging tape, reflective tacks, and other similar marking devices.

* * * * *

22. Waterfowl hunters are limited to 25 shotshells per person in the field.

* * * * *

Morgan Brake National Wildlife Refuge

A. * * *

7. We prohibit the use of plastic flagging tape, reflective tacks, and other similar marking devices.

* * * * *

21. Waterfowl hunters are limited to 25 shotshells per person in the field.

* * * * *

Panther Swamp National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, coot, and dove on designated areas of the refuge in accordance with State regulations and subject to the following regulations:

* * * * *

7. We prohibit the use of plastic flagging tape, reflective tacks, and other similar marking devices.

* * * * *

22. Waterfowl hunters are limited to 25 shotshells per person in the field.

* * * * *

C. * * *

9. Limited draw hunts for persons with disabilities will be held in November, December, and/or January. We will make hunt dates and permit application procedures (name/address/phone number) available at the Theodore Roosevelt Complex headquarters.

* * * * *

Yazoo National Wildlife Refuge

A. * * *

7. We prohibit the use of plastic flagging tape, reflective tacks, and other similar marking devices.

* * * * *

20. Waterfowl hunters are limited to 25 shotshells per person in the field.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, and raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

§ 32.44 [Amended]

■ 13. Amend § 32.44 by removing the heading ''Squaw Creek National Wildlife Refuge''; adding in its place the heading ''Loess Bluffs National Wildlife Refuge'' and moving the entry into alphabetical order within the section.

■ 14. Amend § 32.45 by:

■ a. Revising paragraphs A and B.1 in the entry Benton Lake National Wildlife Refuge; and

■ b. Revising the entry Benton Lake Wetland Management District.

The revisions read as follows:

§ 32.45 Montana.

* * * * *

Benton Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, swan, and coot in designated areas of the refuge in accordance with State regulations and subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):

1. We allow hunters to enter and remain in open hunting areas 2 hours before legal sunrise until 2 hours after legal sunset.

2. We prohibit hunting on or within 25 yards (22.5 meters) of dikes or roads except the marked portion of the dike between Marsh Units 5 and 6.

3. We prohibit access to refuge hunting areas from other than authorized refuge parking areas.

4. We allow hunting with the opening of waterfowl season and close November 30.

5. We allow hunting during youth waterfowl and pheasant hunts in accordance with State regulations.

6. We allow hunting from temporary portable blinds or blinds made from natural vegetation.

7. We prohibit the retrieval of downed game from areas closed to hunting.

8. Hunters must have a means of bird retrieval, using a boat, waders, or a trained dog (see § 26.21(b) of this chapter).

9. You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction at the end of each day (see §§ 27.93 and 27.94 of this chapter).

B. * * *

1. Conditions A1 and A8 apply.

* * * * *

Benton Lake Wetland Management District

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas (WPA) throughout the District, excluding Sands WPA in Hill County and H2–0 WPA in Powell County, in accordance with State regulations and subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction at the end of each day (see §§ 27.93 and 27.94 of this chapter).

B. Upland Game Hunting. We allow the hunting of coyotes, skunks, red fox, raccoons, hares, rabbits, and tree squirrels on Waterfowl Production Areas (WPAs) throughout the District, excluding Sands WPA in Hill County and H2–0 WPA in Powell County, in accordance with State regulations and subject to the following condition: Hunters may possess only approved nontoxic shot (see § 32.2(k)).

C. Big Game Hunting. We allow big game hunting on WPAs throughout the District, excluding Sands WPA in Hill County and H2–0 WPA in Powell County, in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on WPAs throughout the District in accordance with State regulations subject to the following condition: You must remove boats, fishing equipment, and other personal property at the end of each day (see §§ 27.93 and 27.94 of this chapter).

* * * * *

■ 15. Amend § 32.47 by revising paragraph A.5 under the entry Stillwater National Wildlife Refuge to read as follows:

§ 32.47 Nevada.

* * * * *

Stillwater National Wildlife Refuge

A. * * *

5. We prohibit boating outside of the waterfowl and youth waterfowl hunting season except in Swan Check Lake where we allow non-motorized boating all year.

* * * * *

■ 16. Amend § 32.49 by revising paragraph D.1 under the entry Wallkill River National Wildlife Refuge to read as follows:

§ 32.49 New Jersey.

* * * * *

Wallkill River National Wildlife Refuge

* * * * *

D. * * *

1. We allow fishing in and along the banks of the Wallkill River. We allow shore fishing only in the pond at Owens Station Crossing, Vernon, New Jersey. Fishing at Owens State Crossing is catch and release only.

* * * * *

■ 17. Amend § 32.51, the entry for Montezuma National Wildlife Refuge, by:

■ a. Redesignating paragraphs A.1.xiii through A.1.xix as A.1.xiv through A.1.xx;

■ b. Adding a new paragraph A.1.xiii;

■ c. Revising newly redesignated paragraphs A.1.xvii and A.1.xx; and

■ d. Revising paragraphs A.2.iii, B.1, and C.13.

The revisions and addition read as follows:

§ 32.51 New York.

* * * * *

Montezuma National Wildlife Refuge

A. * * *

1. * * *

xiii. If you have a reservation but do not show up to hunt, and do not cancel your reservation 12 hours prior to legal shooting time, then you may be ineligible to hunt the next 3 hunt days. This decision is at the refuge manager's discretion.

* * * * *

xvii. Waterfowl hunters may possess a maximum of 15 shot shells on their person or in their means of conveyance.

* * * * *

xx. You must possess, carry, and present upon request to any law enforcement officer a valid daily hunt permit card (Migratory Bird Hunt Report, FWS Form 3–2361). You must return the daily hunt permit card at the end of hunting. You may obtain a permit at the Hunter Check Station during the check-in process, and return it to the Hunter Check Station or at the box located at the north end of the Tschache Pool dike.

2. * * *

iii. You must possess, carry, and present upon request to any Service law enforcement officer a valid daily hunt permit card (Migratory Bird Hunt Report, FWS Form 3–2361). You must return the daily hunt permit card at the end of hunting or at the end of the day. You may obtain a permit at the Hunter Check Station on State Route 89 and return it to the same location; obtaining a permit will be on a first-come, first-served basis each hunt day.

* * * * *

B. * * *

1. You must carry and present upon request to any Service law enforcement officer a valid daily hunt permit card (Big/Upland Game Hunt Application, FWS Form 3–2356). You must return the daily hunt permit card at the end of hunting or at the end of the day. You may obtain a permit at the Hunter Check Station on State Route 89 and return it to the same location; obtaining a permit during the fall season will be on a first-come, first-served basis each hunt day.

* * * * *

C. * * *

13. We prohibit boats and canoes on refuge pools. We prohibit hunting on the open-water portions of the refuge pools until the pools are frozen; when frozen, we allow access for hunting at the refuge manager's discretion.

* * * * *

■ 18. Amend § 32.53 by:

■ a. Revising paragraph C introductory text under the entry Des Lacs National Wildlife Refuge; and

■ b. Under the entry Upper Souris National Wildlife Refuge:
■ i. Revising paragraph B introductory text and paragraphs B.1 through B.5; and
■ ii. Revising paragraph C introductory text.

The revisions read as follows:

§ 32.53 North Dakota.

* * * * *

Des Lacs National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow deer and moose hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

Upper Souris National Wildlife Refuge

* * * * *

B. Upland Game Hunting. We allow hunting of wild turkey during the spring season, and sharp-tailed grouse, Hungarian partridge, and pheasant on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow the use of dogs for hunting and retrieving of upland game birds with the exception of wild turkey. Dogs must be under immediate control of the hunter (see § 26.21(b) of this chapter).

2. We open for sharp-tailed grouse, Hungarian partridge, and pheasant hunting on Unit I during the State hunting season. Unit I includes all refuge land north of the township road that runs east of Tolley, across Dam 41 (Carter Dam), and east to State Route 28.

3. We open for sharp-tailed grouse, Hungarian partridge, and pheasant hunting on Unit II during the State hunting season, except we close from the first day of the regular State waterfowl season through the last day of State deer gun season. Unit II includes refuge land between Lake Darling Dam and Unit I.

4. We close land south of Lake Darling Dam to sharp-tailed grouse, Hungarian partridge, and pheasant hunting.

5. We prohibit sharp-tailed grouse, Hungarian partridge, pheasant, and spring wild turkey hunting in the area around refuge headquarters, buildings, shops, residences, Outlet Fishing Area, and Lake Darling Dam water control structure. We post these areas with ''Closed to Hunting'' signs.

* * * * *

C. Big Game Hunting. We allow deer and moose hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

■ 19. Amend § 32.55 by:
■ a. Revising paragraphs A.7, A.8, B.6, C.1, C.3, and C.5 under the entry Deep Fork National Wildlife Refuge; and
■ b. Revising paragraphs B and C under the entry Sequoyah National Wildlife Refuge.

The revisions read as follows:

§ 32.55 Oklahoma.

* * * * *

Deep Fork National Wildlife Refuge

A. * * *

7. We prohibit horse and mule use on the refuge.

8. We provide access for hunters with disabilities.

* * * * *

B. * * *

6. We offer refuge-controlled turkey hunts. You must possess a State-issued controlled hunt letter and pay a fee for these hunts.

* * * * *

C. * * *

1. You must possess and carry a signed refuge permit (name only) for the archery deer hunt. Hunters must turn in a Big Game Harvest Report (FWS Form 3–2359) by December 31 annually. Failure to submit the report will render the hunter ineligible for the next year's limited season archery deer hunt.

* * * * *

3. You may hunt feral hog during any established refuge hunting season. Refuge permits (either a signed refuge permit or a State-issued controlled hunt letter) and legal weapons apply for the current hunting season.

* * * * *

5. We offer refuge-controlled deer hunts (primitive weapon, disabled primitive, and youth primitive). You must possess a permit (a State-issued controlled hunt letter) and pay a fee for these hunts.

* * * * *

Sequoyah National Wildlife Refuge

* * * * *

B. Upland Game Hunting. We allow hunting of Eastern gray and fox squirrel and swamp and Eastern cottontail rabbit on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A3, A4, A5, A8, and A12 apply.

2. You must possess and carry a signed refuge brochure; this serves as your Upland Game Hunting Permit. The permit/brochure is available free of charge at the refuge headquarters, at various entry points to the refuge, and on our Web site. You must abide by all rules and regulations listed on the permit (see § 32.2(e) of this chapter).

3. We prohibit hunters entering the Sandtown Bottom Unit prior to 5 a.m. during the hunting season. Hunters must leave the Sandtown Bottom Unit by 1 hour after legal sunset.

4. We open the refuge to hunting on Saturdays, Sundays, Mondays, and Tuesdays. We generally open the following units: Sandtown Bottom, Webber Bottom, Girty Bottom, Possum Hollow, and Vian Creek.

5. Season lengths and bag limits will be in accordance with State regulations with the exception that all upland game hunting will close on January 31 of each year.

6. We only allow legal shotguns and approved nontoxic shot (see § 32.2(k) of this chapter). You must plug hunting shotguns so that they are incapable of holding more than three shells. We also allow .22/.17 rimfire rifles for hunting upland game.

7. We prohibit squirrel and rabbit hunting in the Cook, Hi-Saw/Shelby, Delta Islands, and Haskell Management Units.

8. Incidental take of feral hogs may occur during squirrel and rabbit hunting season.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A8, A9, and A12 apply.

2. You must possess and carry a hunt permit (State-issued permit), and comply with the designated refuge season, hunting methods, and location guidelines for that year.

3. Hunters must apply to the State-controlled deer hunt drawing administered by the Oklahoma Department of Wildlife Conservation for selection. You must attend a pre-hunt briefing.

4. You must pay State and Federal special deer hunting fees.

5. Incidental take of feral hogs may occur during deer hunting season.

* * * * *

■ 20. Amend § 32.56 by:
■ a. Under the entry Baskett Slough National Wildlife Refuge:
■ i. Revising paragraph A.1;
■ ii. Redesignating paragraphs A.2 through A.11 as A.3 through A.12, respectively;
■ iii. Adding a new paragraph A.2; and
■ iv. Revising newly redesignated paragraph A.8; and
■ b. Revising paragraph D under the entry Siletz Bay National Wildlife Refuge.

The revisions and addition read as follows:

§ 32.56 Oregon.

* * * * *

Baskett Slough National Wildlife Refuge

A. * * *

1. Only hunters age 17 or younger are allowed to participate in the Youth Waterfowl Hunt. Youths must be accompanied by an adult age 21 or older.

2. Youth must obtain a refuge waterfowl hunting permit using the Waterfowl Lottery Application (FWS Form 3–2355). All youth hunting waterfowl must do so from designated blinds.

* * * * *

8. Waterfowl and goose permit hunters are required to check in and out at the Hunter Check Station (refuge office), which is open from 1½ hours before legal hunting hours to 8 a.m. and from 11 a.m. to 1 p.m. We prohibit hunting after 12 p.m. (noon).

* * * * *

Siletz Bay National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow fishing and clamming in accordance with State regulations and subject to the following conditions:

1. We allow recreational bank fishing from the Alder Island Nature Trail.

2. We allow clamming on refuge lands and access across refuge lands to State-managed tidelands for clamming on the west side of U.S. Highway 101.

3. We prohibit pets on refuge trails or other refuge lands. We allow leashed pets only in the parking lot.

4. We allow fishing only from legal sunrise to legal sunset.

* * * * *

■ 21. Amend § 32.63, the entry for Hagerman National Wildlife Refuge, by:
■ a. Revising paragraph A.10;
■ b. Adding paragraph A.15;
■ c. Revising paragraph B;
■ d. Revising paragraphs C.2, D.2, and D.4; and
■ e. Adding paragraphs D.15 through D.18.

The revisions and additions read as follows:

§ 32.63 Texas.

* * * * *

Hagerman National Wildlife Refuge

A. * * *

10. We prohibit airboats, hovercraft, and personal watercraft (such as Jet Skis, wave runners, and jet boats) on refuge waters.

* * * * *

15. We prohibit blocking of gates and roads (see § 27.31(h) of this chapter).

B. Upland Game Hunting. We allow hunting of squirrel and rabbit in the months of February and September on designated areas of the refuge in accordance with State regulations and subject to the following conditions: Conditions A1 through A15 apply.

C. * * *

2. Conditions A2, A5 through A7, and A10 through A15 apply.

* * * * *

D. * * *

2. Conditions A10, and A12 through A15 apply.

* * * * *

4. We allow wade fishing March 15 through October 1 annually from all areas except Refuge Road, Wildlife Drive, Plover Road, Tern Road, and Egret Road.

* * * * *

15. We prohibit boats and other floating devices on all open waters of Lake Texoma, except Big Mineral Creek from October 1 through March 14 annually.

16. At the point where Big Mineral Creek joins Lake Texoma, Big Mineral Creek becomes a year-round no wake zone to the end of upstream navigable waters.

17. From October 1 through March 14, we allow only nonmotorized boats in Big Mineral Creek from the point where it joins Lake Texoma to the upstream end of navigable waters. You may not have any type of gas or electric motor onboard that is capable of use. You may launch boats from a boat ramp only from L Pad Road or by hand at the Big Mineral Day Use Area.

18. We prohibit discarding fish whole or in part on refuge lands and waters.

* * * * *

■ 22. Amend § 32.65 by revising paragraphs A.1.ii, A.1.iii introductory text, A.1.iii.c, A.1.iii.d, A.1.iv.a through A.1.iv.d, A.1.iv.g through A.1.iv.i, A.1.iv.m, A.1.iv.p, A.1.v.c, and A.1.vi. introductory text under the entry Missisquoi National Wildlife Refuge to read as follows:

§ 32.65 Vermont.

* * * * *

Missisquoi National Wildlife Refuge

A. * * *

1. * * *

ii. Maquam Shore Area encompasses a 30-acre area along the lakeshore of Maquam Bay and is bounded by private land on the west and a Vermont wildlife management area on the east. In the Maquam Shore Area, conditions A.1.i.a. through A.1.i.f. apply.

iii. Saxes Pothole/Creek and Shad Island Pothole encompass Saxes Creek, Saxes Pothole, and Shad Island Pothole. This is a controlled hunting area. We stake and make available five zones (numbered 1 through 5) to five hunting parties in Saxes Pothole; zone 6 is staked and available to one hunting party in Shad Island Pothole.

* * * * *

c. You may apply to a preseason lottery (Waterfowl Lottery Application, FWS Form 3–2355) to obtain a permit (Migratory Bird Hunt Report, FWS Form 3–2361) for the opening day of duck hunting season through the first Sunday of the duck hunting season and for the second weekend of the duck hunting season. During the years when the State elects to have a split season, you may also obtain your permit (Migratory Bird Hunt Report, FWS Form 3–2361) for the second opening day through the following Sunday through application to the preseason lottery (Waterfowl Lottery Application, FWS Form 3–2355). On all other hunt days, you must acquire a permit (Migratory Bird Hunt Report, FWS Form 3–2361) through self-registration at the Mac's Bend Landing no earlier than 2 hours before legal shooting time on the day of the hunt.

d. Hunters selected during the preseason lottery (Waterfowl Lottery Application, FWS Form 3–2355) must pay a $10 fee. The refuge must receive the fee no later than 2 days before the opening of the season or the selected hunter forfeits the permit (Migratory Bird Hunt Report, FWS Form 3–2361), which we will then make available to other hunters on a first-come, first-served basis. The fee is paid for any permit (Migratory Bird Hunt Report, FWS Form 3–2361) assigned before the day of the hunt. There is no fee for any permit (Migratory Bird Hunt Report, FWS Form 3–2361) obtained on the day of the hunt.

* * * * *

iv. * * *

a. Junior waterfowl hunters (ages 12–17, inclusive, at the time of the hunt), following successful completion of the annual training program (usually held the third or fourth Saturday in August), vie for blind site assignments during a lottery drawing (Waterfowl Lottery Application, FWS Form 3–2355) at the conclusion of the training. The 11 blind sites are available exclusively to these junior waterfowl hunters and their mentors during the first four Saturdays and Sundays of the duck season.

b. During a lottery drawing (Waterfowl Lottery Application, FWS Form 3–2355) at the conclusion of the annual junior waterfowl hunter training, adult volunteers who serve as mentors to junior waterfowl hunters will vie for the use of junior hunt area blind sites on the first Wednesday following the second weekend of the season. This is known as Mentor Day, and there is no fee charged to mentors. Any junior hunt area blinds not assigned at the conclusion of the annual junior waterfowl hunter training will be available to other adult hunters via a preseason lottery (Waterfowl Lottery Application, FWS Form 3–2355). Mentors will also be permitted to hunt alongside the junior hunters on the last two Saturdays and Sundays of the junior hunt period.

c. Following the use of the blind sites in this area by junior hunters and junior hunter mentors, all blind sites are then available to all adult hunters by permit (Migratory Bird Hunt Report, FWS Form 3–2361) awarded via a preseason lottery (Waterfowl Lottery Application, FWS Form 3–2355) for the second Wednesday following the second weekend of the duck season; and on weekends following the junior hunt by a first-come, first-served basis; hunters must self-register at the Mac's Bend boat launch.

d. Hunters, including junior hunters, with preregistered permits (Migratory Bird Hunt Report, FWS Form 3–2361) must sign in at the Mac's Bend boat launch no later than 7 a.m. on the date of their scheduled hunt. After 7 a.m., other hunters may sign in, self-register, and use unoccupied blind sites. Only junior hunters may hunt on the first four Saturdays and Sundays of the season. Adult mentors may hunt alongside their junior hunters for the last two Saturdays and Sundays of the junior hunt period. During this time, there still can only be two hunters per blind site (one junior and one mentor, or two juniors), regardless of the number of mentees.

* * * * *

g. Each adult hunter, except mentors on Mentor Day, must pay $10 for each permit (Migratory Bird Hunt Report, FWS Form 3–2361) issued during the preseason lottery (Waterfowl Lottery Application, FWS Form 3–2355). Permits acquired by self-registration are free.

h. Only junior hunters may discharge a firearm in this area during the youth weekend and the first two weekends of the season. Adult mentors may hunt alongside one junior mentee for the remainder of the junior hunt period.

i. We allow and recommend hunting from portable blinds and boat blinds constructed and placed by the refuge at some of the junior blind sites. Junior hunters are assigned a blind location by a lottery. We prohibit permanent blinds.

* * * * *

m. At the end of each day's hunt, each hunter must complete and deposit at Mac's Bend boat launch that portion of their permit (Migratory Bird Hunt Report, FWS Form 3–2361) that provides the number of birds harvested and number of birds knocked down but not retrieved.

* * * * *

p. A hunting party consists of the hunter named on the permit (Migratory Bird Hunt Report, FWS Form 3–2361) and one guest hunter per blind site per day. Junior hunters may not invite a guest hunter unless it is another refuge-trained junior hunter. Nonhunters may accompany a hunting party.

* * * * *

v. * * *

c. Hunters selected during the preseason lottery (Waterfowl Lottery Application, FWS Form 3–2355) must pay a $10 fee. The refuge must receive the fee no later than 2 days before the opening of the season or the selected hunter forfeits the permit (Migratory Bird Hunt Report, FWS Form 3–2361), which will be made available first to standby hunters identified at the time of the drawing, and second to other hunters on a first-come, first-served basis. You must pay the fee for any permit (Migratory Bird Hunt Report, FWS Form 3–2361) before the day of the hunt. There is no fee for any permit (Migratory Bird Hunt Report, FWS Form 3–2361) obtained on the day of the hunt.

* * * * *

vi. Maquam Swamp Area encompasses about 200 acres (80.9 hectares) west of the Central Vermont Railroad and south of Coleman's inholding and is open to migratory bird hunting with the following special requirements:

* * * * *

■ 23. Amend § 32.66 by:

■ a. Revising paragraphs A, C, and D under the entry Chincoteague National Wildlife Refuge;

■ b. Under the entry Eastern Shore of Virginia National Wildlife Refuge:

■ i. Revising paragraphs C.3 and C.5;

■ ii. Removing paragraphs C.6, C.10, and C.11;

■ iii. Redesignating paragraphs C.7 through C.9 as C.6 through C.8, respectively; and

■ iv. Revising newly redesignated paragraph C.8; and

■ c. Revising paragraph C under the entry Wallops Island National Wildlife Refuge.

The revisions read as follows:

§ 32.66 Virginia.

* * * * *

Chincoteague National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl (as defined by the Virginia Waterfowl Hunting Guide) and rail on designated areas of the refuge within Wildcat Marsh, Morris Island, Assawoman Island, and Metompkin Island Divisions in accordance with State regulations and subject to the following conditions:

1. You must obtain a Refuge Migratory Game Bird Hunt Permit (Migratory Bird Hunt Application, FWS Form 3–2357) and maintain the permit on your person while hunting on the refuge.

2. You may only access hunting areas by boat.

3. You may erect portable blinds and deploy decoys; however, during the regular duck seasons, you must remove the blinds and decoys at the end of each day's hunt (see § 27.93 of this chapter). We prohibit hunting from a permanent blind or pit blind.

4. You may use trained dogs to assist in the retrieval of harvested birds.

5. We prohibit hunting on Assawoman and Metompkin Islands' beach and dune habitats beginning March 15.

6. We do not allow hunting on Sunday.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and sika in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. General hunt information:

i. You must possess a refuge hunt permit (Quota Deer Hunt Application, FWS Form 3–2354) while hunting.

ii. You must certify on your application you have viewed the refuge's hunt orientation.

iii. We allow holders of a refuge hunt permit (Quota Deer Hunt Application, FWS Form 3–2354) to access areas of the refuge typically closed to the non-hunting public. All occupants of a vehicle or hunt party must possess a refuge hunt permit and be actively engaged in hunting. We allow an exception to exist for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

iv. You must sign in at the hunter registration station prior to entering your hunt zone and sign out upon exiting your hunt zone. All hunters

must sign out no later than 2 hours after the end of legal shooting hours.

v. You must check all harvested animals at the hunter registration station prior to signing out.

vi. We prohibit the use of a boat, all-terrain vehicle (see § 27.31(f) of this chapter), or saddled animal to access hunt areas or while hunting.

vii. We allow the use of portable tree stands, but you must remove stands at the end of each day's hunt (see § 27.93 of this chapter).

viii. You may not hunt within 100 feet (30.5 meters) of any building.

ix. We prohibit deer drives. We define a ''drive'' as four or more persons involved in the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animal more susceptible to harvest.

x. We prohibit hunting on Sundays.

2. Archery hunt information:

i. We allow hunting of white-tailed deer and sika with archery tackle, as defined by the State, in designated areas of the refuge.

ii. You may not hunt or nock an arrow or crossbow bolt within 50 feet (15.2 meters) of the centerline of any road, whether improved or unimproved, or paved trail.

3. Firearm hunt information:

i. We allow hunting of white-tailed deer and sika with firearms in designated areas of the refuge.

ii. You may not hunt or discharge a firearm on or within 50 feet (15.2 meters) of the centerline of any road, whether improved or unimproved, or paved trail. You may not shoot across or down any road or paved trail.

D. Sport Fishing. We allow sport fishing, crabbing, and clamming from the shoreline of the refuge in designated areas of Tom's Cove, Swan's Cove, and the Atlantic Ocean in accordance with State regulations and subject to the following conditions:

1. You may not wade or launch a vessel in any water management areas.

2. You must attend minnow traps, crab traps, crab pots, and handlines at all times.

3. We prohibit the use of seine nets and pneumatic (compressed air or otherwise) bait launchers.

4. The State regulates certain species of finfish, shellfish, and crustacean (crab) using size or possession limits. You may not alter these species, to include cleaning or filleting, in such a way that we cannot determine its species or total length.

5. In order to fish after the refuge closes, anglers must obtain an overnight fishing pass (name/address/phone) issued by the National Park Service. Anglers can obtain a pass in person at the National Park Service Tom's Cove Visitor Center.

6. We allow only three surf fishing poles per licensed angler, and those poles must be attended at all times. This includes persons age 65 or older who are license-exempt in Virginia.

Eastern Shore of Virginia National Wildlife Refuge

* * * * *

C. * * *

3. We allow holders of a refuge big game hunt permit (signed brochure) to access areas of the refuge typically closed to the non-hunting public. All occupants of a vehicle or hunt party must possess a refuge hunt permit and be actively engaged in hunting. We allow an exception to exist for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

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5. We allow the use of portable tree stands, but stands must be removed daily.

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8. We only allow shotguns loaded with buckshot during the firearm season.

* * * * *

Wallops Island National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must obtain a refuge hunt permit (Big/Upland Game Hunt Application, FWS Form 3–2356) and carry it on your person while hunting.

2. You must sign in at the hunter registration station prior to entering your hunt zone and sign out upon exiting your hunt zone. All hunters must sign out no later than 2 hours after the end of legal shooting hours.

3. You must report all harvested animals on the sign-out sheet at the hunter registration station when signing out.

4. We allow the use of portable tree stands. You must remove stands by the end of the hunt season (see § 27.93 of this chapter).

5. We prohibit dogs.

6. You must park your vehicle in designated areas.

7. We prohibit deer drives. We define a ''drive'' as four or more persons involved in the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animal more susceptible to harvest.

* * * * *

■ 24. Amend § 32.69 by:

■ a. Under the entry Fox River National Wildlife Refuge:

■ i. Removing paragraph C.2;

■ ii. Redesignating paragraphs C.3 through C.5 as C.2 through C.4, respectively; and

■ iii. Revising newly redesignated paragraph C.3;

■ b. Revising paragraphs A, B, and C under the entry Horicon National Wildlife Refuge; and

■ c. Revising paragraph D under the entry Leopold Wetland Management District.

The revisions read as follows:

§ 32.69 Wisconsin.

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Fox River National Wildlife Refuge

* * * * *

C. * * *

3. You may enter the refuge no earlier than 1 hour before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours end.

* * * * *

Horicon National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow only participants in the Learn to Hunt and other special programs to hunt.

B. Upland Game Hunting. We allow hunting of wild turkey, ring-necked pheasant, gray partridge, squirrel, and cottontail rabbit on designated areas of the refuge in accordance with State regulations during the State seasons and subject to the following conditions:

1. For hunting, you may possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k) of this chapter).

2. We prohibit field possession of upland game species in areas closed to upland game hunting.

3. We prohibit engaging in hunting in areas closed to upland game hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit the construction or use of permanent blinds, platforms, or ladders.

2. You must remove all stands and personal property from the refuge

following each day's hunt. We prohibit hunting from any stand left up overnight (see §§ 27.93 and 27.94 of this chapter).

3. You must possess a refuge permit (Big/Upland Game Hunt Application, FWS Form 3–2356) to hunt in Area E (surrounding the office/visitor center).

4. You may only hunt in Area D (auto tour/hiking trail) during the State 9-day gun season and December antlerless-only hunts. The refuge will post these dates annually.

5. You may enter the refuge no earlier than 1 hour before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours.

6. Any ground blind used during any gun deer season must display at least 144 square inches (929 square centimeters) of solid-blaze-orange material visible from all directions.

7. We prohibit the field possession of white-tailed deer in areas closed to white-tailed deer hunting.

8. We prohibit engaging in hunting in areas closed to white-tailed deer hunting.

* * * * *

Leopold Wetland Management District

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D. *Sport Fishing.* We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations and subject to the following condition: We prohibit the use of motorized boats.

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Dated: October 26, 2017.

Jason Larrabee,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2017–24329 Filed 11–7–17; 8:45 am]

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FEDERAL REGISTER

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No. 215 November 8, 2017

Part III

The President

Federal Register
Vol. 82, No. 215
Wednesday, November 8, 2017

Presidential Documents

Title 3—

The President

Proclamation 9671 of November 5, 2017

Honoring the Victims of the Sutherland Springs, Texas, Shooting

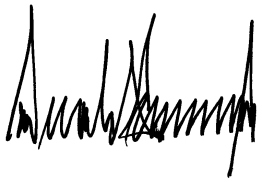
By the President of the United States of America

A Proclamation

We are deeply saddened by the shooting in Sutherland Springs, Texas, which took the lives of more than 25 innocent victims while they were attending church. As we mourn the victims of this unprovoked act of violence, we pray for healing and comfort for all the family members and loved ones who are grieving.

As a mark of respect for the victims of this senseless act of violence perpetrated on November 5, 2017, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, November 9, 2017. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, 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.



[FR Doc. 2017–24463
Filed 11–7–17; 11:15 am]
Billing code 3295–F8–P

Presidential Documents

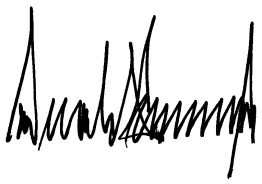
Notice of November 6, 2017

Continuation of the National Emergency With Respect to Burundi

On November 22, 2015, by Executive Order 13712, the President declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in Burundi, which has been marked by the killing of and violence against civilians, unrest, the incitement of imminent violence, and significant political repression, and which threatens the peace, security, and stability of Burundi and the region.

The situation in Burundi continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on November 22, 2015, to deal with that threat must continue in effect beyond November 22, 2017. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13712.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
November 6, 2017.

[FR Doc. 2017–24464
Filed 11–7–17; 11:15 am]
Billing code 3295–F8–P

Presidential Documents

Notice of November 6, 2017

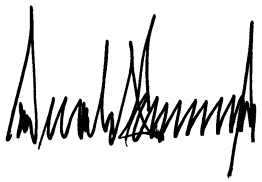
Continuation of the National Emergency With Respect to Iran

On November 14, 1979, in Executive Order 12170, the President declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

Our relations with Iran have not yet normalized, and the process of implementing the agreements with Iran, dated January 19, 1981, is ongoing. For this reason, the national emergency declared on November 14, 1979, and the measures adopted on that date to deal with that emergency, must continue in effect beyond November 14, 2017. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Iran declared in Executive Order 12170.

The emergency declared in Executive Order 12170 is distinct from the emergency declared in Executive Order 12957 on March 15, 1995. This renewal, therefore, is distinct from the emergency renewal of January 13, 2017.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
November 6, 2017.

[FR Doc. 2017–24465
Filed 11–7–17; 11:15 am]
Billing code 3295–F8–P

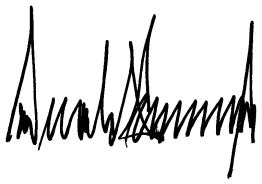
Presidential Documents

Notice of November 6, 2017

Continuation of the National Emergency With Respect to the Proliferation of Weapons of Mass Destruction

On November 14, 1994, by Executive Order 12938, the President declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons. On July 28, 1998, by Executive Order 13094, the President amended Executive Order 12938 to respond more effectively to the worldwide threat of proliferation activities related to weapons of mass destruction. On June 28, 2005, by Executive Order 13382, the President, among other things, further amended Executive Order 12938 to improve our ability to combat proliferation activities related to weapons of mass destruction. The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction and the means of delivering such weapons must continue beyond November 14, 2017. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 12938, as amended by Executive Orders 13094 and 13382.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
November 6, 2017.

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Vol. 82, No. 215

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FEDERAL REGISTER PAGES AND DATE, NOVEMBER

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List November 6, 2017

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