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Contents

Federal Register

Vol. 82, No. 66

Friday, April 7, 2017

Agriculture Department
See Forest Service

Bureau of Consumer Financial Protection
NOTICES
Meetings:
Community Bank Advisory Council, 17002–17003

Census Bureau
NOTICES
Meetings:
National Advisory Committee, 16991–16992

Centers for Disease Control and Prevention
NOTICES
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Initial Review, Teleconference, 17006–17007
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, 17010
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Initial Review, 17007, 17010–17011
Enviro Health App Challenge and Challenge Kick-off Webinar, 17007–17010

Coast Guard
RULES
Drawbridge Operations:
Cerritos Channel, Long Beach, CA, 16918–16919
PROPOSED RULES
Safety Zones:
Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone, 16976–16980

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 17000–17002

Consumer Product Safety Commission
PROPOSED RULES
Safety Standards:
Infant Inclined Sleep Products, 16963–16975

Employee Benefits Security Administration
RULES
Definition of the Term Fiduciary; Conflict of Interest Rule - Retirement Investment Advice; Best Interest Contract Exemption; etc., 16902–16918

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Florida; Infrastructure Requirements for the 2012 PM2.5 NAAQS, 16920–16921
Indiana; Base Year Emissions Inventory and Emissions Statement Rule Certification for Lake and Porter Counties for the 2008 Ozone Standard, 16934–16938
Indiana; Emissions Statements Rule, 16926–16927
Indiana; Redesignation of the Indiana portion of the Cincinnati, Ohio-Kentucky-Indiana Area to Attainment of the 2008 Ozone Standard, 16940–16943
Kentucky; Redesignation of the Kentucky Portion of the Louisville 1997 Annual PM2.5 Nonattainment Area to Attainment, 16943–16946
Michigan; Miscellaneous Rules; Correction, 16919–16920
Minnesota; Sulfur Dioxide Limits for Saint Paul Park Refining Co. LLC Facility, 16921–16924
North Carolina; Infrastructure Requirements for the 2012 Fine Particulate Matter National Ambient Air Quality Standard, 16924–16926
Ohio; Redesignation of the Ohio Portion of the Cincinnati-Hamilton, OH-IN-KY Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter, 16938–16940
Ohio; Removal of Gasoline Volatility Requirements in the Cincinnati and Dayton Areas; Update on the Boutique Fuel List for Illinois and Ohio, 16932–16934
South Carolina; Infrastructure Requirements for the 2012 Fine Particulate Matter National Ambient Air Quality Standard, 16930–16932
Tennessee; Reasonable Measures Required, 16927–16930
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Indiana; Base Year Emissions Inventory and Emissions Statement Rule Certification for Lake and Porter Counties for the 2008 Ozone Standard, 16980
Minnesota; Sulfur Dioxide Limits for Saint Paul Park Refining Co. LLC Facility, 16980–16981
Tennessee; Reasonable Measures Required, 16981
NOTICES
Environmental Impact Statements; Availability, etc.:
Weekly Receipts, 17005

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Helicopters Deutschland GmbH, 16895–16897
Sikorsky Aircraft Corporation Helicopters, 16897–16898
Class D and E Airspace; Amendments:
Savannah, GA, 16901–16902
Class E Airspace; Amendments:
Monongahela, PA, 16898–16899
Class E Airspace; Establishments:
Louisville, GA, 16899–16900

Special Conditions:
Bombardier Inc. Models BD–700–2A12 and BD–700–2A13 airplanes; Operation Without Normal Electrical Power, 16891–16893
VT DRB Aviation Consultants, Boeing Model 777–200 Airplanes; Installation of an Airbag System in Shoulder Belts, 16893–16895
PROPOSED RULES
Airworthiness Directives:
Airbus Airplanes, 16948–16952
Class D Airspace, Amendments; Class E Airspace, Revocations:
Fort Eustis, VA, 16952–16953
Class D and E Airspace; Amendments:
Morgantown, WV, 16958–16960
Pennsylvania Towns; Lancaster, PA; Reading, PA; and Williamsport, PA, 16955–16957
Class E Airspace; Amendments:
Falls City, NE, 16960–16962
Fayetteville, TN, 16957–16958
Laurel, MS, 16953–16955
Class E Airspace; Establishments:
Finleyville, PA, 16962–16963
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certification: Pilots and Flight Instructors, 17066–17067

Federal Emergency Management Agency
NOTICES
Environmental Impact Statements; Availability, etc.:
National Flood Insurance Program, 17023–17025
National Flood Insurance Program:
Assistance to Private Sector Property Insurers, Notice of FY 2018 Arrangement, 17017–17023
Requests for Applications for Appointment:
Technical Mapping Advisory Council, 17025–17026

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 17004–17005
Effectiveness of Exempt Wholesale Generator Status:
CP Bloom Wind LLC, Darby Power, LLC, Gavin Power, LLC, et al., 17003
Hydroelectric Applications:
Town of Gypsum, CO, 17003–17004

Federal Reserve System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 17005–17006

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Species:
Threatened Species Status for the Headwater Chub and Roundtail Chub Distinct Population Segment; Withdrawal, 16981–16988
NOTICES
Endangered Species:
Permit Applications, 17028–17029

Food and Drug Administration
NOTICES
Meetings:
Antimicrobial Drugs Advisory Committee, 17011–17012
Preparation for International Cooperation on Cosmetics Regulation Eleventh Annual Meeting, 17012–17013

Foreign-Trade Zones Board
NOTICES
Subzone Status; Approvals:
Danos and Curole Marine Contractors, LLC, Morgan City, LA, 16992

Forest Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Lincoln National Forest; New Mexico; South Sacramento Restoration Project, 16989–16991

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration
NOTICES
Findings of Research Misconduct; Correction, 17013

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Customs and Border Protection

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Appalachia Economic Development Initiative, 17026–17027
Delta Community Capital Initiative, 17027–17028

Interior Department
See Fish and Wildlife Service
See Reclamation Bureau
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 17087–17092
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Definitions under Subchapter S of the Internal Revenue Code, 17088–17089
Determination for Employee Benefit Plans, 17090
General Business Credit, 17092
IRS e-file Signature Authorization for Forms, 17088
Modified Endowment Contract Correction Program Extension, 17090–17091
Meetings, 17092
Meetings:
Taxpayer Advocacy Panel Joint Committee, 17090

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Circular Welded Carbon Steel Pipes and Tubes from Turkey, 16994–16995
Glycine from the People's Republic of China:, 16992–16994

International Trade Commission
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Carton Closing Staples from China, 17036–17037

Labor Department
See Employee Benefits Security Administration

Legal Services Corporation
NOTICES
Proposed Revisions to the Grant Terms and Conditions (Formerly the LSC Grant Assurances):
Grant Year 2018 Basic Field Grants, 17037–17038

Millennium Challenge Corporation
NOTICES
Meetings:
Advisory Council, 17038

National Archives and Records Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:, 17038–17039

National Highway Traffic Safety Administration
NOTICES
Petitions for Decision:
Nonconforming Model Year 2014 EMU Camper Trailer 4x4 Extreme Adventure Trailers Are Eligible for Importation, 17068–17069
Petitions for Decisions of Inconsequential Noncompliance:
Bridgestone Americas Tire Operations, LLC, 17067–17068
Cooper Tire and Rubber Company, 17075–17076
Daimler Trucks North America, 17084–17087
Daimler Trucks North America, LLC, 17069–17072
Harley-Davidson Motor Company, Inc., 17074–17075
Hyundai Motor America, 17072–17073
Nonconforming Model Year 2013 BMW R1200GS Adventure Motorcycles are Eligible for Importation, 17082–17083
Toyota Motor Engineering and Manufacturing North America, Inc., 17076–17082

National Institutes of Health
NOTICES
Meetings:
Council of Councils, 17013–17014
Interagency Pain Research Coordinating Committee, 17014–17015
National Institute of Allergy and Infectious Diseases, 17014–17015
National Institute of Neurological Disorders and Stroke, 17016
National Institute of Nursing Research, 17015–17016
National Institute on Alcohol Abuse and Alcoholism, 17015

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Western Regulatory Area of the Gulf of Alaska, 16947
Pacific Cod by Vessels using Pot Gear in the Central Regulatory Area of the Gulf of Alaska, 16946–16947
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Economic Surveys of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands Small Boat-based Fisheries, 16999–17000
Permits:
Endangered Species; Permit Nos. 17861, 19641, 20314, 20340, 20347, 20351, 20528, 20548, and 20651, 16996–16997
Marine Mammals and Endangered Species; File Nos. 15844–02, 18059, 20114, and 20443, 16998
Marine Mammals; File No. 20466, 16995–16996
Marine Mammals; File No. 21280, 16998–16999

National Science Foundation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 17040–17041
Meetings:
Proposal Review Panel for Physics, 17039–17040
Meetings; Sunshine Act, 17040–17041

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Occupational Dose Record for a Monitoring Period, 17044–17045
Exemptions:
Virgil C. Summer Nuclear Station, Units 2 and 3; Automatic Depressurization System Stage 2, 3 & 4, Valve Flow Area Changes and Clarifications, 17045–17046
Virgil C. Summer Nuclear Station, Units 2 and 3; IDS Fuse Isolation Panel Additions, 17041–17042
Guidance:
An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis, 17042–17044

Postal Service
NOTICES
International Product Changes:
Global Expedited Package Services—Non-Published Rates, 17046

Presidential Documents
ADMINISTRATIVE ORDERS
Somalia; Continuation of National Emergency (Notice of April 6, 2017), 17093–17096

Reclamation Bureau
NOTICES
Water Service, Repayment, and Other Water-Related Contract Actions:
Quarterly Status Report, 17029–17036

Securities and Exchange Commission
NOTICES
Applications:
Olden Lane Securities, LLC; Olden Lane Trust, 17048–17051
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Stock Exchange, Inc., 17065–17066
Fixed Income Clearing Corporation, 17053–17065
ISE Mercury, LLC, 17051–17053
NYSE Arca, Inc., 17046–17048

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
Berlin and Los Angeles—Space for Music Exhibition, 17066
Eyewitness Views—Making History in 18th-Century Europe Exhibition, 17066

Substance Abuse and Mental Health Services Administration

NOTICES
Meetings:
Center for Mental Health Services, 17016

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Alabama Abandoned Mine Land Reclamation Plan, 16975–16976

Transportation Department
See Federal Aviation Administration
See National Highway Traffic Safety Administration

Treasury Department
See Internal Revenue Service

U.S. Customs and Border Protection
NOTICES
Meetings:
2017 West Coast Trade Symposium—Looking Ahead Together: What's Next for Trade?, 17016–17017

Separate Parts In This Issue

Part II
Presidential Documents, 17093–17096

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Administrative Orders:

Notices:

Notice of April 6, 2017 17095

14 CFR

25 (2 documents) 16891, 16893

39 (2 documents) 16895, 16897

71 (3 documents) 16898, 16899, 16901

Proposed Rules:

39 16948

71 (7 documents) 16952, 16953, 16955, 16957, 16958, 16960, 16962,

16 CFR

Proposed Rules:

1112 16963

1130 16963

1236 16963

29 CFR

2510 16902

30 CFR

Proposed Rules:

901 16975

33 CFR

117 16918

Proposed Rules:

165 16976

40 CFR

52 (12 documents) 16919, 16920, 16921, 16924, 16926, 16927, 16931, 16932, 16934, 16938, 16940, 16943

81 (3 documents) 16938, 16940, 16943

Proposed Rules:

52 (3 documents) 16980, 16981

50 CFR

679 (2 documents) 16946, 16947

Proposed Rules:

17 16981

Rules and Regulations

Federal Register
Vol. 82, No. 66
Friday, April 7, 2017

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2016–8031; Special Conditions No. 25–653–SC]

Special Conditions: Bombardier Inc. Models BD–700–2A12 and BD–700–2A13 airplanes; Operation Without Normal Electrical Power.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Inc. (Bombardier) Models BD–700–2A12 and BD–700–2A13 airplanes. These airplanes will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. These design features are electrical and electronic systems that perform critical functions, the loss of which could be catastrophic to the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier on April 7, 2017. We must receive your comments by May 22, 2017.

ADDRESSES: Send comments identified by docket number FAA–2016–8031 using any of the following methods:

- *Federal eRegulations 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: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

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: Stephen Slotte, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone 425–227–2315; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 30, 2012, Bombardier applied for an amendment to type certificate no. T00003NY to include the new Model BD–700–2A12 and BD–700–2A13 airplanes. These airplanes are derivatives of the Model BD–700 series of airplanes and are marketed as the Bombardier Global 7000 (Model BD–700–2A12) and Global 8000 (Model BD–700–2A13). These airplanes are twin-engine, transport-category, executive-interior business jets. The maximum passenger capacity is 19 and the maximum takeoff weights are 106,250 lb. (Model BD–700–2A12) and 104,800 lb. (Model BD–700–2A13).

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, Bombardier must show that the Model BD–700–2A12 and BD–700–2A13 airplanes meet the applicable provisions of the regulations listed in type certificate no. T00003NY, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the BD–700–2A12 and BD–700–2A13 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model BD–700–2A12 and BD–700–2A13 airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance

with § 11.38, and they become part of the type-certification basis under § 21.101.

Novel or Unusual Design Features

The Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes will incorporate novel or unusual design features associated with electrical and electronic flight-control systems that perform critical functions, the loss of which may result in loss of flight controls and other critical systems, and that may be catastrophic to the airplane if not appropriately protected.

The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion

The Model BD–700–2A12 and BD–700–2A13 airplanes have a fly-by-wire flight-control system that requires a continuous source of electrical power to maintain an operable flight-control system. Section 25.1351(d), ''Operation without normal electrical power,'' requires safe operation in visual flight rule (VFR) conditions for at least five minutes after loss of normal electrical power, excluding the battery. This rule was structured around a traditional design using mechanical control cables and linkages for flight control. These manual controls allow the crew to maintain aerodynamic control of the airplane for an indefinite time after loss of all electrical power. Under these conditions, a mechanical flight-control system provided the crew with the ability to fly the airplane while attempting to identify the cause of the electrical failure, restart engine(s) if necessary, and attempt to re-establish some of the electrical-power generation capability.

A critical assumption in § 25.1351(d) is that the airplane is in VFR conditions at the time of the failure. This is not a valid assumption in today's airline operating environment where airplanes fly much of the time in instrument meteorological conditions on air-traffic-control-defined flight paths. Another assumption in the existing rule is that the loss of all normal electrical power is the result of the loss of all engines. The five-minute period in the rule is to allow at least one engine to be restarted, following an all-engine power loss, to continue the flight to a safe landing. However, service experience on airplanes with similar electrical power-system architecture as the Bombardier Global 7000/8000 airplanes has shown that at least the temporary loss of all electrical power for causes other than all-engine failure is not extremely improbable. To maintain the same level of safety, envisioned by the existing rule, with traditional mechanical flight controls, the Global 7000/8000 design must not be time-limited in its operation under all reasonably foreseeable conditions, including loss of all normal sources of engine or auxiliary-power-unit (APU)-generated electrical power. Unless Bombardier can show that the non-restorable loss of the engine and APU power sources is extremely improbable, Bombardier must demonstrate that the airplanes can maintain safe flight and landing (including steering and braking on the ground for airplanes using steer- and brake-by-wire, and fly-by-wire speed-brake panels) with the use of emergency or alternate electrical power systems. These electrical power systems, or the minimum restorable electrical power sources, must be able to power loads that are essential for continued safe flight and landing.

Applicability

As discussed above, these special conditions are applicable to the Model BD–700–2A12 and BD–700–2A13 airplanes. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design features, these special conditions would apply to the other model as well.

Conclusion

This action affects only certain novel or unusual design features on two models of airplanes. It is not a rule of general applicability.

The substance of these special conditions has been subject to the public notice and comment period in several prior instances, and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes.

In lieu of 14 CFR 25.1351(d), the following special conditions apply:

1. Bombardier must show, by test or a combination of test and analysis, that the airplane is capable of continued safe flight and landing with all normal electrical power sources inoperative, as prescribed by paragraphs 1.a. and 1.b., below. For purposes of these special conditions, normal sources of electrical-power generation do not include alternate power sources such as the battery, ram-air turbine, or independent power systems such as the flight-control permanent-magnet generating system. In showing capability for continued safe flight and landing, Bombardier must account for systems capability, effects on crew workload and operating conditions, and the physiological needs of the flightcrew and passengers for the longest diversion time for which Bombardier is seeking approval.

a. In showing compliance with this requirement, Bombardier must account for common-cause failures, cascading failures, and zonal physical threats.

b. Bombardier may consider the ability to restore operation of portions of the electrical power generation and distribution system if it can be shown that unrecoverable loss of those portions of the system is extremely improbable. The design must provide an alternative source of electrical power for the time required to restore the minimum electrical-power generation capability required for safe flight and landing. Bombardier may exclude unrecoverable loss of all engines when showing compliance with this requirement.

2. Regardless of electrical-power generation and distribution system recovery capability shown under special condition 1, above, sufficient electrical-system capability must be provided to:

a. Allow time to descend, with all engines inoperative, at the speed that provides the best glide distance, from the maximum operating altitude to the top of the engine-restart envelope, and

b. Subsequently allow multiple start attempts of the engines and auxiliary

power unit (APU). The design must provide this capability in addition to the electrical capability required by existing part 25 requirements related to operation with all engines inoperative.

3. The airplane emergency electrical power system must be designed to supply:

a. Electrical power required for immediate safety, which must continue to operate without the need for crew action following the loss of the normal electrical power, for a duration sufficient to allow reconfiguration to provide a non-time-limited source of electrical power.

b. Electrical power required for continued safe flight and landing for the maximum diversion time.

4. If Bombardier uses APU-generated electrical power to satisfy the requirements of these special conditions, and if reaching a suitable runway for landing is beyond the capacity of the battery systems, then the APU must be able to be started under any foreseeable flight condition prior to the depletion of the battery, or the restoration of normal electrical power, whichever occurs first. Flight test must demonstrate this capability at the most critical condition.

a. Bombardier must show that the APU will provide adequate electrical power for continued safe flight and landing.

b. The airplane flight manual (AFM) must incorporate non-normal procedures that direct the pilot to take appropriate actions to activate the APU after loss of normal engine-driven generated electrical power.

5. As part of showing compliance with these special conditions, the tests to demonstrate loss of all normal electrical power must also take into account the following:

a. The assumption that the failure condition occurs during night instrument meteorological conditions (IMC) at the most critical phase of the flight, relative to the worst possible electrical-power distribution and equipment-loads-demand condition.

b. After the un-restorable loss of normal engine-generator power, the airplane engine restart capability is provided and operations continued in IMC.

c. The airplane is demonstrated to be capable of continued safe flight and landing. The length of time must be computed based on the maximum diversion time capability for which the airplane is being certified. Bombardier must account for airspeed reductions resulting from the associated failure or failures.

d. The airplane must provide adequate indication of loss of normal electrical power to direct the pilot to the non-normal procedures, and the AFM must incorporate non-normal procedures that will direct the pilot to take appropriate actions.

Issued in Renton, Washington, on March 31, 2017.

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–06929 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0126; Special Conditions No. 25–654–SC]

Special Conditions: VT DRB Aviation Consultants, Boeing Model 777–200 Airplanes; Installation of an Airbag System in Shoulder Belts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Boeing Model 777–200 airplane. This airplane, as modified by VT DRB Aviation Consultants (VT DRB), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is an airbag system installed in shoulder belts. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on VT DRB Aviation Consultants on April 7, 2017. We must receive your comments by May 22, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0126 using any of the following methods:

- *Federal eRegulations 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: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

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 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: John Shelden, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2785; facsimile 425–227–1320.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplanes.

In addition, the substance of these special conditions has been subject to the public-comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special

conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On July 10, 2015, VT DRB applied for a supplemental type certificate to install an airbag system in shoulder belts on Boeing Model 777–200 airplanes. The Boeing Model 777–200 airplane, as modified by VT DRB, is a very-important-person (VIP) interior-design derivative of the Boeing Model 777 airplanes currently approved under Type Certificate No. T00001SE. The modified airplane will have seating for 52 passengers and 7 crewmembers.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, VT DRB must show that the Boeing Model 777–200 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. T00001SE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 777–200 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 777–200 airplane, as changed, must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Feature

The Boeing Model 777–200 airplane will incorporate the following novel or unusual design feature: An airbag system in shoulder belts of multiple-place side-facing seats. Inflatable airbag devices are designed to limit occupant forward excursion in the event of an accident. While their use is now standard in the automotive industry, their use is novel or unusual for commercial aviation.

Discussion

The applicant is installing, as a voluntary safety measure in the VT DRB interior, airbags (inflatable restraints) in the shoulder belts of multiple-place side-facing seats. The applicable airworthiness regulations have no regulations for this particular feature. Therefore, special conditions are necessary.

The certification basis of this modification includes Special Federal Aviation Regulation (SFAR) 109, section 4(b), which specifies the injury criteria for this seating orientation. These special conditions, like special conditions previously issued on airplanes with side-facing seats incorporating airbag systems, address the safety issues inherent in this seating orientation when using airbag systems to meet the injury criteria.

SFAR 109, section 4(b) incorporates by reference the requirements of § 25.562(c)(1) through (c)(6). Section 25.562(c) requires that the restraints remain on the shoulders and pelvises of the occupants during impact. Advisory Circular (AC) 25.562–1B, ''Dynamic Evaluation of Seat Restraint Systems and Occupant Protection on Transport Airplanes,'' dated January 10, 2006, clarifies this requirement by stating that restraints must remain on the shoulders and pelvises when loaded by the occupants. This criterion is necessary to protect the occupants from serious injuries that could be caused by lap-belt contact forces applied to soft tissue, or by ineffectively restraining the upper torsos in the event the upper-torso restraints slide off the shoulders. In forward-facing seats (the type specifically addressed in that AC), occupant motion during rebound, and any subsequent re-loading of the belts, is limited by interaction with the seat backs. However, in side-facing seats subjected to a forward impact, the restraint systems may be the only means of limiting the occupants' rearward (rebound) motion.

Also as discussed by the FAA in previous special conditions, the installation of airbag systems in shoulder belts have two additional safety concerns: That the systems perform properly under foreseeable operating conditions, and that the systems do not perform in a manner or at such times as would constitute a hazard to the occupants. These special conditions address those concerns.

These special conditions are derived not only from similar previously-issued special conditions, but also from special conditions the FAA has issued for airbag systems on lap belts, with some changes to address the issues specific to side-facing seats.

The special conditions are not an installation approval. Therefore, while the special conditions relate to each such system installed, the overall installation approval is a separate finding and must consider the combined effects of all such systems installed.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 777–200 airplane as modified by VT DRB. Should VT DRB apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. T00001SE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only one novel or unusual design feature on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on the airplane.

The substance of these special conditions has been subject to the notice and comment period in several prior instances, and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the

prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 777–200 airplanes modified by VT DRB Aviation Consultants.

1. For seats with an airbag system in the shoulder belts, show that the airbag system in the shoulder belt will deploy and provide protection under crash conditions where it is necessary to prevent serious injury. The means of protection must take into consideration a range of stature from a 2-year-old child to a 95th percentile male. The airbag system in the shoulder belt must provide a consistent approach to energy absorption throughout that range of occupants. When the seat system includes an airbag system, that system must be included in each of the certification tests as it would be installed in the airplane. In addition, the following situations must be considered:

a. The seat occupant is holding an infant.

b. The seat occupant is a pregnant woman.

2. The airbag system in the shoulder belt must provide adequate protection for each occupant regardless of the number of occupants of the seat assembly, considering that unoccupied seats may have an active airbag system in the shoulder belt.

3. The design must prevent the airbag system in the shoulder belt from being either incorrectly buckled or incorrectly installed, such that the airbag system in the shoulder belt would not properly deploy. Alternatively, it must be shown that such deployment is not hazardous to the occupant, and will provide the required injury protection.

4. It must be shown that the airbag system in the shoulder belt is not susceptible to inadvertent deployment as a result of wear and tear, or inertial loads resulting from in-flight or ground maneuvers (including gusts and hard landings), and other operating and environmental conditions (vibrations, moisture, etc.) likely to occur in service.

5. Deployment of the airbag system in the shoulder belt must not injure the seated occupant, including injuries that could impede rapid egress. This assessment should include an occupant whose belt is loosely fastened.

6. It must be shown that inadvertent deployment of the airbag system in the shoulder belt, during the most critical part of the flight, will either meet the requirement of § 25.1309(b) or not cause a hazard to the airplane or its occupants.

7. It must be shown that the airbag system in the shoulder belt will not impede rapid egress of occupants 10 seconds after airbag deployment.

8. The airbag system must be protected from lightning and high-intensity radiated fields (HIRF). The threats to the airplane specified in existing regulations regarding lighting, § 25.1316, and HIRF, § 25.1317, are incorporated by reference for the purpose of measuring lightning and HIRF protection.

9. The airbag system in the shoulder belt must function properly after loss of normal aircraft electrical power, and after a transverse separation of the fuselage at the most critical location. A separation at the location of the airbag system in the shoulder belt does not have to be considered.

10. It must be shown that the airbag system in the shoulder belt will not release hazardous quantities of gas or particulate matter into the cabin.

11. The airbag system in the shoulder-belt installation must be protected from the effects of in-flight fire such that no hazard to occupants will result.

12. A means must be available for a crewmember to verify the integrity of the airbag system in the shoulder-belt activation system prior to each flight, or it must be demonstrated to reliably operate between inspection intervals. The FAA considers that the loss of the airbag-system deployment function alone (*i.e.,* independent of the conditional event that requires the airbag-system deployment) is a major-failure condition.

13. The inflatable material may not have an average burn rate of greater than 2.5 inches/minute when tested using the horizontal flammability test defined in part 25, appendix F, part I, paragraph (b)(5).

14. The airbag system in the shoulder belt, once deployed, must not adversely affect the emergency-lighting system (*i.e.,* block floor proximity lights to the extent that the lights no longer meet their intended function).

Issued in Renton, Washington, on March 31, 2017.

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–06930 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–3257; Directorate Identifier 2015–SW–072–AD; Amendment 39–18846; AD 2017–07–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model MBB–BK 117 D–2 helicopters. This AD requires repetitively inspecting the engine mount bushings. This AD was prompted by reports of delaminated and worn bushings. The actions of this AD are intended to prevent an unsafe condition on these products.

DATES: This AD is effective May 12, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.*

You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3257; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S.

Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

On November 21, 2016, at 81 FR 83182, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model MBB–BK 117 D–2 helicopters with a bushing part number 105–60386 installed. The NPRM proposed to require repetitively inspecting the bushings of the inner and outer forward trusses of both engines and repairing or replacing the bushings, depending on the outcome of the inspections. The proposed requirements were intended to detect delaminated engine mount bushings, which can lead to excessive vibration, cracking, failure of the engine mount front support pins, and loss of helicopter control.

The NPRM was prompted by AD No. 2015–0198, dated September 30, 2015, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA advises of delaminated engine mount bushings. According to EASA, this condition could lead to cracks and eventually failure of the engine mount front support pins, possibly resulting in loss of helicopter control.

The EASA AD consequently requires repetitive inspections of the engine mount bushings and depending of the findings, repairing or replacing the bushings.

Comments

We gave the public the opportunity to participate in developing this AD. We received one comment. However, the comment addressed neither the proposed actions nor the determination of the cost to the public. Therefore, we have made no changes to this AD.

FAA's Determination

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

Differences Between This AD and the EASA AD

The EASA AD allows for a 10 hour time-in-service, non-cumulative tolerance for its required compliance times. This AD does not.

Related Service Information

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) MBB–BK117 D–2–71A–002, Revision 0, dated September 28, 2015, for Model MBB–BK 117 D–2 helicopters. The ASB introduces repetitive visual inspections of the engine mount bushings for defects, deformation, separation of the rubber, and missing rubber after reports of delaminated engine mount bushings and bushings with damage to the metal inner sleeve. If there is any deformation or separation of the rubber, the ASB specifies performing a detailed inspection of the bushing in accordance with the aircraft maintenance manual.

Costs of Compliance

We estimate that this AD affects 5 helicopters of U.S. Registry and that labor costs average $85 per work hour. Based on these estimates, we expect the following costs:

- Inspecting the bushings requires 1 work hour. No parts are needed, for a total cost of $85 per helicopter and $425 for the U.S. fleet.
- Replacing a bushing requires 1 work hour and $373 for parts, for a total cost of $458 per bushing.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–07–08 Airbus Helicopters Deutschland GmbH: Amendment 39–18846; Docket No. FAA–2016–3257; Directorate Identifier 2015–SW–072–AD.

(a) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model MBB–BK 117 D–2 helicopters with a bushing part number 105–60386 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a delaminated engine mount bushing. This condition could result in excessive vibration, which could lead to cracking and failure of the engine mount front support pins, and loss of helicopter control.

(c) Effective Date

This AD becomes effective May 12, 2017.

(d) Compliance

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

(e) Required Actions

Within 50 hours time-in-service (TIS) and thereafter at intervals not to exceed 50 hours TIS:

(1) Visually inspect each engine mount bushing (bushing) for separation of the rubber from the metal or missing rubber.

(2) If any rubber has separated from the metal or if there is missing rubber, inspect the bushing for deformation, corrosion, and mechanical damage.

(i) Replace the bushing with an airworthy bushing if there is any deformation, separation of the rubber from the metal, corrosion, or mechanical damage, or repair the bushing if the deformation, separation of the rubber, corrosion, or mechanical damage is within the maximum repair damage limitations.

(ii) If the inner and outer parts of the bushing are separated with missing rubber, replace the bushing with an airworthy bushing.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

(1) Airbus Helicopters Alert Service Bulletin ASB MBB–BK117 D–2–71A–002, Revision 0, dated September 28, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2015–0198, dated September 30, 2015. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2016–3257.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 7200, Engine (Turbine, Turboprop).

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

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–06706 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–7095; Directorate Identifier 2015–SW–085–AD; Amendment 39–18848; AD 2017–07–09]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters. This AD requires removing from service the tail gearbox center housing (housing) when it has 12,200 or more hours time-in-service (TIS). This AD was prompted by fatigue analysis conducted by Sikorsky that determined the housing required a retirement life. The actions are intended to prevent an unsafe condition on these products.

DATES: This AD is effective May 12, 2017.

ADDRESSES: For service information identified in this final rule, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800-Winged-S or 203–416–4299; email: *wcs_cust_service_eng.gr-sik@lmco.com.* You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

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–2015–7095; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kristopher Greer, Aerospace Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, FAA, 1200 District Avenue, Burlington, Massachusetts 01803; telephone 781–238–7799; email *Kristopher.Greer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On August 30, 2016, at 81 FR 59526, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Sikorsky Model S–92A helicopters with a housing part number (P/N) 92358–06107–043 installed. The NPRM proposed to require removing from service any housing with 12,200 or more hours TIS. The NPRM was prompted by fatigue analysis conducted by Sikorsky that determined the housing required a retirement life. The proposed actions were intended to prevent a crack in the housing, which could lead to loss of tail rotor drive and loss of helicopter control.

Comments

After our NPRM was published, we received a comment from Sikorsky.

Request

Sikorsky requested a minimum 45-day extension of the comment period. In support of this request, Sikorsky stated it is re-evaluating the housing's 12,200-hour life limit due to an error in the measured flight test loads used in the structural fatigue substantiation. When asked for additional information, Sikorsky advised that it had completed its re-evaluation and determined that the 12,200-hour life limit was, in fact, correct.

FAA's Determination

We have reviewed the relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of

these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information

We reviewed Sikorsky S–92 Maintenance Manual 4–00–00, Temporary Revision No. 4–49, dated April 10, 2015, which establishes a replacement interval of 12,200 hours for housing, P/N 92358–06107–043.

Costs of Compliance

We estimate that this AD affects 80 helicopters of U.S. Registry and that labor costs average $85 per work hour. Based on these estimates, we expect the following costs.

Replacing the housing requires 24 work-hours, and parts cost $58,000 for a total cost of $60,040 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–07–09 Sikorsky Aircraft Corporation: Amendment 39–18848; Docket No. FAA–2015–7095; Directorate Identifier 2015–SW–085–AD.

(a) Applicability

This AD applies to Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters, certificated in any category, with a tail gearbox center housing, part number (P/N) 92358–06107–043, installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a tail gearbox center housing. This condition could result in failure of the tail rotor drive and consequently loss of helicopter control.

(c) Effective Date

This AD becomes effective May 12, 2017.

(d) Compliance

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

(e) Required Actions

Before further flight, remove from service any tail gearbox housing, P/N 92358–06107–043, that has 12,200 or more hours time-in-service.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Kristopher Greer, aerospace engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, FAA, 1200 District Avenue, Burlington, Massachusetts 01803; telephone 781–238–7799; email *Kristopher.Greer@faa.gov*.

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

(g) Additional Information

Sikorsky S–92 Maintenance Manual 4–00–00, Temporary Revision No. 4–49, dated April 10, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800-Winged-S or 203–416–4299; email: *wcs_cust_service_eng.gr-sik@lmco.com*. You may review a copy of this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6520, Tail Rotor Gearbox.

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

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–06708 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9102; Airspace Docket No. 16–AEA–6]

Amendment of Class E Airspace; Monongahela, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Monongahela, PA, as the Allegheny VHF Omnidirectional Radio Range (VOR) has been decommissioned, requiring airspace reconfiguration at Rostraver Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line 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: 1–800–647–8927, or 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

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 amends Class E airspace at Rostraver Airport, Monongahela, PA, due to the decommissioning of the Allegheny VOR.

History

On November 4, 2016, the FAA published in the **Federal Register** (81 FR 76888) Docket No. FAA–2016–9102, a notice of proposed rulemaking (NPRM) to amend Class E airspace extending upward from 700 feet above the surface at Rostraver Airport, Monongahela, PA, as Allegheny VOR has been decommissioned, requiring airspace redesign. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (from a 6.4-mile radius) radius of Rostraver Airport, Monongahela, PA, due to the decommissioning of the Allegheny VOR and cancellation of the VOR approaches.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

* * * * *

AEA PA E5 Monongahela, PA [Amended]

Rostraver Airport, Monongahela, PA
(Lat. 40°12′35″ N., long. 79°49′53″ W.)

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

Issued in College Park, Georgia, on March 27, 2017.

Joey L. Medders,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–06764 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–0581; Airspace Docket No. 15–ASO–4]

Establishment of Class E Airspace; Louisville, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Louisville, GA, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach

Procedures (SIAPs) serving Louisville Municipal Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

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 at Louisville Municipal Airport, Louisville, GA.

History

On December 12, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the surface at Louisville, GA, (81 FR 89401) Docket No. FAA–2015–0581, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for Louisville Municipal 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.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E Airspace at Louisville Municipal Airport, Louisville, GA. Controlled airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the airport is established for IFR operations.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO GA E5 Louisville, GA [New]

Louisville Municipal Airport, GA
(Lat. 32°59′09″N., long. 82°23′05″W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Louisville Municipal Airport.

Issued in College Park, Georgia, on March 27, 2017.

Joey L. Medders,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–06762 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9101; Airspace Docket No. 16–ASO–14]

Amendment of Class D and Class E Airspace; Savannah, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends Class D and Class E airspace at Savannah, GA, by adjusting the geographic coordinates of Hunter Army Airfield (AAF), and updating the name of Savannah/Hilton Head International Airport. The boundaries and operating requirements of these airports remain the same.

DATES: Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

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 amends Class D and Class E airspace in the Savannah, GA, area.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by adjusting the geographic coordinates of Hunter Army Airfield, and recognizing the name change of Savannah/Hilton Head International Airport (formerly Savannah International Airport) to be in concert with the FAA's aeronautical database.

This is an administrative change and does not affect the boundaries, or operating requirements of the airspace, therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

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. Therefore, this regulation: (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.

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 Federal Aviation Administration Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO GA D Savannah, GA [Amended]

Hunter AAF
(Lat. 32°00′36″ N., long. 81°08′46″ W.)
Savannah/Hilton Head International Airport, GA
(Lat. 32°07′39″ N., long. 81°12′08″ W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.5-mile radius of Hunter AAF; excluding that portion of the overlying Savannah, GA, Class C airspace area and that airspace north of lat. 32°02′30″ N. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

ASO GA E2 Savannah, GA [Amended]

Savannah/Hilton Head International Airport, GA
(Lat. 32°07′39″ N., long. 81°12′08″ W.)
Hunter AAF
(Lat. 32°00′36″ N., long. 81°08′46″ W.)

Within a 5-mile radius of Savannah/Hilton Head International Airport and within a 4.5-mile radius of Hunter AAF. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

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

* * * * *

ASO GA E5 Savannah, GA [Amended]

Savannah/Hilton Head International Airport, GA
(Lat. 32°07′39″ N., long. 81°12′08″ W.)
Hunter AAF
(Lat. 32°00′36″ N., long. 81°08′46″ W.)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Savannah/Hilton Head International Airport and within a 7-mile radius of Hunter AAF.

Issued in College Park, Georgia, on March 27, 2017.

Joey L. Medders,

Acting Manager, Operations Support Group, Eastern Service Area, Air Traffic Organization.

[FR Doc. 2017–06769 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2510

RIN 1210–AB79

Definition of the Term ''Fiduciary''; Conflict of Interest Rule—Retirement Investment Advice; Best Interest Contract Exemption (Prohibited Transaction Exemption 2016–01); Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (Prohibited Transaction Exemption 2016–02); Prohibited Transaction Exemptions 75–1, 77–4, 80–83, 83–1, 84–24 and 86–128

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Final rule; extension of applicability date.

SUMMARY: This document extends for 60 days the applicability date of the final regulation, published on April 8, 2016, defining who is a ''fiduciary'' under the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986. It also extends for 60 days the applicability dates of the Best Interest Contract Exemption and the Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs. It requires that fiduciaries relying on these exemptions for covered transactions adhere only to the Impartial Conduct Standards (including the ''best interest'' standard), as conditions of the exemptions during the transition period from June 9, 2017, through January 1, 2018. Thus, the fiduciary definition in the rule (Fiduciary Rule or Rule) published on April 8, 2016, and Impartial Conduct Standards in these exemptions, are applicable on June 9, 2017, while compliance with the remaining conditions in these exemptions, such as requirements to make specific written disclosures and representations of fiduciary compliance in communications with investors, is not required until January 1, 2018. This document also delays the applicability of amendments to Prohibited Transaction Exemption 84–24 until January 1, 2018, other than the Impartial Conduct Standards, which will become applicable on June 9, 2017. Finally, this document extends for 60 days the applicability dates of amendments to other previously granted exemptions. The President, by Memorandum to the Secretary of Labor dated February 3, 2017, directed the Department of Labor to examine whether the Fiduciary Rule may adversely affect the ability of Americans to gain access to retirement information and financial advice, and to prepare an updated economic and legal analysis concerning the likely impact of the Fiduciary Rule as part of that examination. The extensions announced in this document are necessary to enable the Department to perform this examination and to consider possible changes with respect to the Fiduciary Rule and PTEs based on new evidence or analysis developed pursuant to the examination.

DATES: *Effective dates:* This rule is effective April 10, 2017. The end of the effective period for 29 CFR 2510.3–21(j) is extended from April 10, 2017, to June 9, 2017.

Applicability dates: See Section E of the **SUPPLEMENTARY INFORMATION** section for dates for the prohibited transaction exemptions.

FOR FURTHER INFORMATION CONTACT:

- For questions pertaining to the fiduciary regulation, contact Jeffrey Turner, Office of Regulations and Interpretations, Employee Benefits Security Administration (EBSA), (202) 693–8825.
- For questions pertaining to the prohibited transaction exemptions, contact Karen Lloyd, Office of Exemption Determinations, EBSA, (202) 693–8824.
- For questions pertaining to regulatory impact analysis, contact G. Christopher Cosby, Office of Policy and Research, EBSA, (202) 693–8425. (Not toll-free numbers).

SUPPLEMENTARY INFORMATION:

A. Background

On April 8, 2016, the Department of Labor (Department) published a final regulation (Fiduciary Rule or Rule) defining who is a ''fiduciary'' of an employee benefit plan under section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) as a result of giving investment advice to a plan or its participants or beneficiaries. 29 CFR 2510.3–21. The Fiduciary Rule also applies to the definition of a ''fiduciary'' of a plan (including an individual retirement account (IRA)) under section 4975(e)(3)(B) of the Internal Revenue Code of 1986 (Code). The Fiduciary Rule treats persons who provide investment advice or recommendations for a fee or other compensation with respect to assets of a plan or IRA as fiduciaries in a wider array of advice relationships than was true of the prior regulatory definition (1975 Regulation).[1]

On this same date, the Department published two new administrative class exemptions from the prohibited transaction provisions of ERISA (29 U.S.C. 1106) and the Code (26 U.S.C. 4975(c)(1)): The Best Interest Contract Exemption (BIC Exemption) and the Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (Principal Transactions Exemption), as well as amendments to previously granted exemptions. The new exemptions are designed to promote the provision of investment advice that is in the best interest of retirement investors.

The new exemptions and certain previously granted exemptions that were amended on April 8, 2016 (collectively Prohibited Transaction Exemptions or PTEs) would allow, subject to appropriate safeguards, certain broker-dealers, insurance agents, and others that act as investment advice fiduciaries, as defined under the Fiduciary Rule, to continue to receive compensation that would otherwise violate prohibited transaction rules, triggering excise taxes and civil liability. Rather than flatly prohibit compensation structures that could be beneficial in the right circumstances, the exemptions are designed to permit investment advice fiduciaries to receive commissions and other common forms of compensation.

Among other conditions, the new exemptions and amendments to previously granted exemptions are generally conditioned on adherence to certain Impartial Conduct Standards:

[1] The 1975 Regulation was published as a final rule at 40 FR 50842 (Oct. 31, 1975).

Providing advice in retirement investors' best interest; charging no more than reasonable compensation; and avoiding misleading statements (Impartial Conduct Standards).[2] The Department determined that adherence to these fundamental fiduciary norms helps ensure that investment recommendations are not driven by adviser conflicts, but by the best interest of the retirement investor.

By Memorandum dated February 3, 2017, the President directed the Department to conduct an examination of the Fiduciary Rule to determine whether it may adversely affect the ability of Americans to gain access to retirement information and financial advice. As part of this examination, the Department was directed to prepare an updated economic and legal analysis concerning the likely impact of the Fiduciary Rule and PTEs, which shall consider, among other things:

- Whether the anticipated applicability of the Fiduciary Rule and PTEs has harmed or is likely to harm investors due to a reduction of Americans' access to certain retirement savings offerings, retirement product structures, retirement savings information, or related financial advice;
- Whether the anticipated applicability of the Fiduciary Rule and PTEs has resulted in dislocations or disruptions within the retirement services industry that may adversely affect investors or retirees; and
- Whether the Fiduciary Rule and PTEs is likely to cause an increase in litigation, and an increase in the prices that investors and retirees must pay to gain access to retirement services.

The President directed that if the Department makes an affirmative determination as to any of the above three considerations, or the Department concludes for any other reason, after appropriate review, that the Fiduciary Rule, PTEs, or both are inconsistent with the priority of the Administration ''to empower Americans to make their own financial decisions, to facilitate their ability to save for retirement and build the individual wealth necessary to afford typical lifetime expenses, such as buying a home and paying for college, and to withstand unexpected financial emergencies,'' then the Department shall publish for notice and comment a proposed rule rescinding or revising the Fiduciary Rule, as appropriate and as consistent with law. The President's Memorandum was published in the **Federal Register** on February 7, 2017, at 82 FR 9675.

In accordance with that memorandum, the Department published in the **Federal Register** on March 2, 2017, at 82 FR 12319, a document seeking comment on a proposed 60-day extension of the applicability dates of the Fiduciary Rule and PTEs until June 9, 2017 (NPRM). The comment period on the proposed extension ended on March 17, 2017. In that same document, the Department sought comments regarding the examination described in the President's Memorandum and on more general questions concerning the Fiduciary Rule and PTEs. This comment period ends on April 17, 2017.

B. Public Comments & Decision on Delay

As of the close of the first comment period on March 17, 2017, the Department had received approximately 193,000 comment and petition letters expressing a wide range of views on whether the Department should grant a delay and the duration of any delay. Approximately 15,000 commenters and petitioners support a delay of 60 days or longer, with some requesting at least 180 days and some up to 240 days or a year or longer (including an indefinite delay or repeal); and, by contrast, 178,000 commenters and petitioners oppose any delay whatsoever.[3] The Department continues to receive a very high volume of comment and petition letters on a daily basis, both on the delay and on the more general questions that the Department set forth in its NPRM. EBSA intends to continue to post comment and petition letters for public inspection on EBSA's Web site as quickly as practicable after receipt.

One of the main reasons offered by commenters and petitioners in support of a delay of the applicability date of the Fiduciary Rule and PTEs is that the Department needs time to properly conduct the analysis required by the President's Memorandum. Although many commenters supported a 60-day delay for this purpose, others argued that a much longer period is needed (*e.g.,* a 1-year delay or an indefinite extension terminating 60 or more days after completion of the examination required by the President's Memorandum). These commenters asserted that unless the Department took such an approach, it could be forced to grant a series of short extensions, which would produce serious frictional costs, protracted uncertainty (for advisers, financial institutions, and retirement investors), wasted expenses on interim and conditional compliance efforts, and unnecessary market disruption. Many commenters also requested that any delay of the applicability date, regardless of its length, be accompanied by a commensurate adjustment in the periods of transition relief available under the BIC Exemption and the Principal Transactions Exemption.

Many supporters of delay also argued that the President's Memorandum has rendered the ultimate fate of the Fiduciary Rule and PTEs uncertain and that proceeding with the April 10, 2017 applicability date in the face of this uncertainty would impose unnecessary costs and burdens on the financial services industry and result in unnecessary confusion to investors inasmuch as products, services, and advisory practices could change after completion of the examination. Some expressed particular concern about the risk of a chaotic transition process, as firms try to communicate with millions of clients to describe options that could become applicable in April, but subsequently change if parts of the Fiduciary Rule or PTEs are later reconsidered and changed after the examination required by the President.

Another theme of commenters and petitioners supporting delay is that, even without regard to the President's Memorandum, the Department initially erred in adopting April 10, 2017, as the applicability date of the Fiduciary Rule and PTEs. These commenters assert that although financial institutions have worked to put in place the policies and procedures necessary to make the business structure and practice shifts required by the new rules,[4] there is still considerable work left to be done to implement the new rules in a proper and responsible manner and without

[2] In the Principal Transactions Exemption, the Impartial Conduct Standards specifically refer to the fiduciary's obligation to seek to obtain the best execution reasonably available under the circumstances with respect to the transaction, rather than to receive no more than ''reasonable compensation.'' Accordingly, references in this document to ''reasonable compensation'' in the context of the Principal Transactions Exemption should be read to refer to this best execution requirement.

[3] The Department includes these counts only to provide a rough sense of the scope and diversity of public comments. For this purpose, the Department counted letters that do not expressly support or oppose the proposed delay, but that express concerns or general opposition to the Fiduciary Rule or PTEs, as supporting delay. Similarly, letters that do not expressly support or oppose the proposed delay, but that express general support for the Rule or PTEs, were treated as supporting the Rule and PTEs as originally drafted including support for the April 10, 2017 applicability date, and were therefore treated as opposing a delay.

[4] This includes drafting and implementing training for staff, drafting client correspondence and explanations of revised product and service offerings, negotiating changes to agreements with product manufacturers to facilitate compliance, and changing employee and agent compensation structures, among other things.

causing further confusion and disruption to retirement investors. Some of these commenters and petitioners also asserted that individual retirement investors—those most impacted by the Fiduciary Rule and PTEs—have not themselves focused on how investment products, related services, and costs may change and need more time to understand, process, and make decisions regarding their accounts and services.

Many commenters also based support for delay on opposition to the substance of the Fiduciary Rule and PTEs, as written, and disagreement with the conclusions reached in the final rulemaking and associated Regulatory Impact Analysis. In general, these comments reiterated arguments made as part of the notice and comment process for the Rule and PTEs.[5] For example, commenters asserted that the Fiduciary Rule and PTEs would unduly increase costs and adversely affect access to products, services, and advice. Industry commenters, in particular, asserted that unintended consequences of the rulemaking could include the reduced availability of advice to participants with small account balances, such as young savers; inappropriate increases in fee-based accounts and passive investments; reduced competition among investment products and providers; less innovation; and a harmful exit of advisers from the marketplace. Similarly, commenters expressed concern about the costs imposed by the Rule and PTEs on the financial services industry, the likelihood that those costs would be passed on to plan and IRA investors, and the risk of extensive class action litigation. Commenters asserted that the costs of the Fiduciary Rule and PTEs would further increase if they become applicable but are subsequently revised or rescinded due to the examination required by the President. Additionally, commenters argued that the complexities, ambiguities, and uncertainties associated with the Fiduciary Rule and PTEs require additional time for implementation. A number of commenters also asserted that the rulemaking exceeded the Department's authority or would be better left to other regulators, such as the Securities and Exchange Commission or state insurance commissioners. To these commenters and petitioners, delay is necessary in order to review and address these claims.

Other commenters and petitioners expressed broad support for the Rule and PTEs and opposition to any delay in their implementation. Many of these commenters stressed the Department's determination in the final rulemaking that, under the current regulatory structure, investors lose billions of dollars each year as a result of conflicts of interest, and argued that delay would compound these losses. Commenters argued that the Department already has studied this topic, as well as the issues presented in the President's Memorandum, at great length as part of an extensive regulatory process, its original analysis was not flawed, and nothing has changed since then that would warrant a reexamination. Commenters noted that the rulemaking had been upheld by three federal district courts to date, and that two of those courts had concluded that the previous regulatory definition of fiduciary investment advice may be difficult to reconcile with the statutory text of ERISA's definition of fiduciary.

Opponents of a delay also argued that the Fiduciary Rule and PTEs have already contributed to positive changes in the marketplace, and that further delay could slow or reverse this progress. Commenters also challenged assertions that firms would be unable to comply with their obligations as of April 10, 2017, or that aspects of the Rule or PTEs were unworkable; noted that a number of firms have advertised that they already are prepared for full compliance with the Rule and PTEs; asserted that concerns about class actions were exaggerated and neglected the values served by such litigation; and argued that further delay would have the effect of penalizing firms that took regulatory deadlines seriously while rewarding those that failed to take appropriate actions to ensure compliance. Similarly, commenters opposing delay expressed support for the substance of the Fiduciary Rule and the PTEs, arguing that the Fiduciary Rule would protect retirement investors from abuse; appropriately strengthen the standards applicable to advisers; create a level playing field for all advisers by requiring adherence to a best interest standard regardless of title or product; align advisers' standards with investors' reasonable expectations that recommendations will be based on their best interests (also, thereby avoid investor confusion about the significance of different adviser designations); and ensure that investment recommendations and choices are based on the investor's interests rather than advisers' conflicts of interest. Finally, a commenter argued that the proposed delay is inconsistent with the Congressional Review Act, Executive Order 12866, Executive Order 13563 and Executive Order 13771, among other things.[6]

In response to the Department's request for comments as to whether it should delay only certain aspects of the Rule and PTEs, but not others, the commenters and petitioners had very different views.[7] A substantial number of commenters that generally believe no delay is warranted nevertheless stated that, if the Department were to proceed with a delay, the delay should only partially apply: the Fiduciary Rule and

[5] The 2016 Regulatory Impact Analysis can be accessed on EBSA's Web site at (*https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/rules-and-regulations/completed-rulemaking/1210-AB32-2/conflict-of-interest-ria.pdf*). Rather than repeat that analysis here, the Department refers readers to 81 FR 21002 (April 8, 2016) (BIC Exemption) and 81 FR 21089 (April 8, 2016) (Principal Transactions Exemption) for discussion of the issues raised by comments expressing support or opposition to the Rule and PTEs. The Department has requested additional comments on these and related issues in connection with its work on the President's Memorandum. As indicated in the preamble to the March 2, 2017 NPRM, the Department seeks comments on the issues raised by the President's Memorandum and related questions by April 17, 2017, as detailed at 82 FR 12319, 12324–25. The Department urges commenters to submit data, information, and analyses responsive to the requests in that document by that date, so that it can complete its work pursuant to the Memorandum as carefully, thoughtfully, and expeditiously as possible.

[6] Some commenters said the 15-day comment period on whether to delay was too short to provide a meaningful opportunity for input, noting that Executive Order 12866 recommends 60 days or more. They also said the 45-day period for input on reconsideration of the Rule and PTEs was insufficient to address more complex issues surrounding the likely impact of the Rule and PTEs. The 15-day comment period was chosen in light of the public reaction and media reports following the Presidential Memorandum expressing concerns about investor confusion and other marketplace disruption based on uncertainty about whether a delay could be accomplished before April 10. The Department concluded that prompt action was needed to protect against this investor confusion and uncertainty, and to ensure that the Rule and PTEs did not become temporarily applicable. In addition, the primary question to address in this 15-day period was whether or not to delay, an issue less complex than those reserved for the 45-day comment period. In any event, in this 15-day period the Department received approximately 193,000 comment and petition letters expressing a wide range of views on whether the Department should grant a delay and the duration of any delay. That level of public engagement itself belies the contention that the public did not have a meaningful opportunity to comment on the proposal. The Department likewise disagrees with the assertions regarding the 45-day comment period. In light of the need for prompt action to avoid continued uncertainty regarding the future of the Rule and PTEs, the Department concluded that a 45-day comment period would provide adequate time for the public to provide input, generally, and on the threshold questions raised in the Presidential Memorandum. Importantly, although a high volume of commentary continues to date, the Department always has the ability to re-open the comment period or otherwise solicit information to supplement the public comment, if necessary.

[7] *See* 82 FR 12319, 12321 (Mar. 2, 2017).

Impartial Conduct Standards of the PTEs should be immediately applicable even if other conditions and obligations are postponed. These commenters generally noted that many of the nation's largest financial institutions publicly state their current adherence to and support for a best interest standard, and stated the merits of this approach should be beyond dispute. Other commenters, however, caution the Department against permitting any part of the Rule or PTEs to become applicable before completion of the examination required by the President's Memorandum. These commenters essentially maintain that all issues identified by the Presidential Memorandum must be resolved before any aspect of the Rule or PTEs become applicable to avoid the possibility of investor confusion and needless or excessive expense as firms build systems and compliance structures that may ultimately be unnecessary or mismatched with the Department's final decisions on the issues raised by the Presidential Memorandum.

Based on its review and evaluation of the public comments, the Department has concluded that some delay in full implementation of the Fiduciary Rule and PTEs is necessary to conduct a careful and thoughtful process pursuant to the Presidential Memorandum, and that any such review is likely to take more time to complete than a 60-day extension would afford, as many commenters suggested. The Department is also concerned that many firms may have reasonably assumed that the Department is likely to delay implementation as proposed and may, accordingly, have slowed their compliance efforts. As a result, rigid adherence to the April 10 applicability date could result in an unduly chaotic transition to the new standards as firms rush to prepare required disclosure documents and finalize compliance structures that are not yet ready, resulting in investor confusion, excessive costs, and needlessly restricted or reduced advisory services.

At the same time, however, the Department has concluded that it would be inappropriate to broadly delay application of the fiduciary definition and Impartial Conduct Standards for an extended period in disregard of its previous findings of ongoing injury to retirement investors. The Fiduciary Rule and PTEs followed an extensive public rulemaking process in which the Department evaluated a large body of academic and empirical work on conflicts of interest, and determined that conflicted advice was causing harm to retirement investors.[8] For all the reasons detailed in the preambles for the Fiduciary Rule and PTEs and in the associated Regulatory Impact Analysis, the Department concluded that much of this harm could be avoided through the imposition of fiduciary status and adherence to basic fiduciary norms, particularly including the Impartial Conduct Standards.

The Department concludes that it can best protect the interests of retirement investors in receiving sound advice, provide greater certainty to the public and regulated parties, and minimize the risk of unnecessary disruption by taking a more balanced approach than simply granting a flat delay of fiduciary status and all associated obligations for a protracted period. Specifically, the Department extends the applicability date for the Fiduciary Rule and the BIC Exemption and Principal Transactions Exemption (including their transition relief) for 60 days, as proposed. The applicability date of the Impartial Conduct Standards in these exemptions is extended for the same 60 days, while compliance with other conditions for transactions covered by these exemptions, such as requirements to make specific disclosures and representations of fiduciary compliance in written communications with investors, is not required until January 1, 2018, by which time the Department intends to complete the examination and analysis directed by the Presidential Memorandum. In this way, the Fiduciary Rule (*i.e.,* the new fiduciary definition itself) will become applicable after the 60-day delay, and the BIC Exemption and the Principal Transactions Exemption will be available as of that date but these exemptions will only require fiduciaries to adhere to the Impartial Conduct Standards for covered transactions until January 1, 2018, when the remaining conditions will apply unless revised or withdrawn. The other requirements of these PTEs, including representations of fiduciary compliance, contracts, warranties about firm's policies and procedures, etc., will not become applicable during the period in which the Department performs the mandated examination of the Rule and PTEs. In addition, the Department has delayed the applicability of the amendments to PTE 84–24 until January 1, 2018, except that the Impartial Conduct Standards will become applicable on June 9, 2017, and the Department has extended for 60 days the applicability dates of the 2016 amendments to other previously granted exemptions.

This approach has a number of significant advantages:

- Since there is fairly widespread, although not universal, agreement about the basic Impartial Conduct Standards, which require advisers to make recommendations that are in the customer's best interest (*i.e.,* advice that is prudent and loyal), avoid misleading statements, and charge no more than reasonable compensation for services (which is already an obligation under ERISA and the Code, irrespective of this rulemaking), this approach provides retirement investors with the protection of basic fiduciary norms and standards of fair dealing, while at the same time honoring the President's directive to take a hard look at any potential undue burdens.[9] After the passage of a year since the Rule and PTEs were published, and based on public comment, the Department finds little basis for concluding that advisers need more time to give advice that is in the retirement investor's best interest and free from misrepresentations in exchange for reasonable compensation. Indeed, financial institutions and advisers routinely hold themselves out as providing just such advice.
- Because the provisions requiring written representations and commitments about fiduciary compliance, execution of a contract, warranties about policies and procedures, and the prohibition on imposing arbitration requirements on class claims, would not go into effect during this period, this approach eliminates or minimizes the risk of litigation, including class-action litigation, in the IRA marketplace, one of the chief concerns expressed by the financial services industry in connection with the Fiduciary Rule and PTEs.
- This approach is consistent with the Department's compliance-first

[8] For example, the Department estimated that advisers' conflicts on average cost their IRA customers who invest in front-end-load mutual funds between 0.5 percent and 1.0 percent annually in foregone risk-adjusted returns, due to poor fund selection.

[9] Advice is in the retirement investor's best interest when the advice is rendered ''with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, based on the investment objectives, risk tolerance, financial circumstances, and needs of the Retirement Investor, without regard to the financial or other interests of the Adviser, Financial Institution, or any Affiliate, Related Entity, or other party.'' *See* Section VIII(d) of the BIC Exemption As set forth in the preamble to the BIC Exemption, 81 FR at 21028 (April 8, 2016), this definition ''incorporates the objective standards of care and undivided loyalty that have been applied under ERISA for more than forty years.''

posture toward implementation as reflected in EBSA Field Assistance Bulletin 2017–01 (March 10, 2017) (announcing a temporary non-enforcement safe harbor for DOL litigation for advisers and financial institutions) [10] and its Conflict of Interest FAQs (Part I—Exemptions) (Oct. 27, 2016) (''The Department's general approach to implementation will be marked by an emphasis on assisting (rather than citing violations and imposing penalties on) plans, plan fiduciaries, financial institutions and others who are working diligently and in good faith to understand and come into compliance with the new rule and exemptions.'').[11] Although ERISA provides a cause of action for violations by fiduciary advisers to ERISA-covered plans and plan participants, including violations with respect to rollovers and distributions of plan assets, the Department's focus will be on compliance assistance, both in the period before January 1, 2018, and for some time after.

- This approach addresses financial services industry concerns about uncertainty over whether they need to immediately comply with all of the requirements of the PTEs, particularly including the notice and disclosure provisions that would otherwise have become applicable on April 10, 2017, without giving short shrift to the competing interest of retirement investors in receiving advice that adheres to basic fiduciary norms. Because the Impartial Conduct Standards apply after 60 days, retirement investors will benefit from higher advice standards, while the Department takes the additional time necessary to perform the examination required by the President's Memorandum.

- If, after receiving comments on the issues raised by the President's Memorandum, the Department concludes that significant changes are necessary or that it needs more time to complete its review, it retains the ability to further extend the January 1, 2018 applicability dates or to grant additional interim relief, such as more streamlined PTEs, as it finalizes its review and decides whether to make more general changes to the Rule or PTEs.

In the Department's view, this approach gives the Department an appropriate amount of time to reconsider the regulatory burdens and costs of the Fiduciary Rule and PTEs, calls for advisers and financial institutions to comply with basic standards for fair conduct during that time, and does not foreclose the Department from considering and making changes with respect to the Rule and PTEs based on new evidence or analyses developed pursuant to the President's Memorandum.

Accordingly, based on its review of the comments, the Department has decided to extend for 60 days the applicability date of all provisions of the Fiduciary Rule. In addition, the applicability dates of the BIC Exemption and the Principal Transactions Exemption are extended for 60 days, and these exemptions require fiduciaries engaging in transactions covered by the exemptions to comply only with the Impartial Conduct Standards, during the transition period from June 9, 2017 through January 1, 2018. This document further delays the applicability of the amendments to PTE 84–24 until January 1, 2018, except that the Impartial Conduct Standards will become applicable on June 9, 2017, and extends for 60 days the applicability dates of amendments to other previously granted exemptions. The Impartial Conduct Standards generally require that advisers and financial institutions provide investment advice that is in the investors' best interest, receive no more than reasonable compensation, and avoid misleading statements to investors about recommended transactions. As detailed in the Regulatory Impact Analysis below, a longer delay of the Rule and Impartial Conduct Standards cannot be justified based on the public record to date. In the absence of the Impartial Conduct Standards, retirement investors are likely to continue incurring new losses from advisory conflicts. Losses arising from a delay of longer than 60 days would quickly overshadow any additional compliance cost savings.

The predicted cost savings and investor losses associated with this extension may increase or decrease depending on the information and data received in response to the comment solicitation contained in the March 2017 NPRM. Between now and April 17, 2017, the Department will continue to receive and review these additional public comments, and between now and January 1, 2018, the Department will perform the examination required by the President. Following the completion of the examination, some or all of the Rule and PTEs may be revised or rescinded, including the provisions scheduled to become applicable on June 9, 2017. This document's delay of the applicability dates as described above should not be viewed as prejudging the outcome of the examination.

The approach adopted in this document seeks to address the major concerns of the commenters and petitioners in an equitable and cost efficient manner. There was no consensus among commenters and petitioners regarding whether, and how long, to delay the applicability date of the Rule and PTEs, or even whether to retain or rescind the Rule and PTEs in whole or in part. Applying the Rule and the Impartial Conduct Standards after a 60-day delay, however, means that much of the potential investor gains predicted in the Rule's regulatory impact analysis published on April 8, 2016, will commence on June 9, 2017, and accrue prospectively while the Department performs the examination mandated by the President and considers potential changes to the Rule and PTEs.

As compared to the contract, disclosure, and warranty requirements of the BIC Exemption and Principal Transactions Exemption, the Fiduciary Rule and the Impartial Conduct Standards are among the least controversial aspects of the rulemaking project (although not free from controversy or unchallenged in litigation). Indeed, even among many of the commenters and petitioners that support a delay of the applicability date, there are varying degrees of support for the Rule and the Impartial Conduct Standards. In the Department's judgment, Plan and IRA investors, firms, and advisers all will benefit from the balanced approach set forth above. Firms and advisers will be given additional time for an orderly transition and will not be required to immediately provide the notices, disclosures, and written commitments of fiduciary compliance that would otherwise be immediately required under the BIC Exemption and Principal Transactions Exemption. Also, more controversial provisions—such as requirements to execute enforceable written contracts under the Best Interest Contract and Principal Transactions Exemption, and changes to PTE 84–24 (other than the addition of the Impartial Conduct Standards)—are not applicable until January 1, 2018, while the Department is honoring the President's directive to take a hard look at any potential undue burdens and decides whether to make significant revisions. As indicated above, if, after receiving comments on

[10] *See also* IRS Announcement 2017–04 (March 27, 2017), I.R.B. 2017–16 (April 17, 2017), which provides relief from certain excise taxes under Code section 4975 and any related reporting requirements to conform to the Department's position in EBSA Field Assistance Bulletin 2017–01.

[11] Available at *https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/coi-rules-and-exemptions-part-1.pdf*

the issues raised by the President's Memorandum, the Department concludes that significant changes are necessary or that it needs more time to complete its review, it retains the ability to further extend the January 1, 2018 applicability dates or to grant additional interim relief, such as more streamlined PTEs, as it finalizes its review and decides whether to make more general changes to the Rule or PTEs.

C. Regulatory Impact Analysis

On March 2, 2017, the Department published the NPRM seeking comment on a proposed 60-day delay of the applicability date of the Fiduciary Rule and PTEs until June 9, 2017.[12] The comment period for the proposed extension closed on March 17, 2017. After careful review and consideration of the comments, the Department is issuing this final rule that will (1) extend the applicability date of the Fiduciary Rule, the BIC Exemption, and the Principal Transactions Exemption for 60 days until June 9, 2017, and (2) require that fiduciaries relying on these exemptions for covered transactions adhere only to the ''best interest'' standard and the other Impartial Conduct Standards of these PTEs during a transition period from June 9, 2017, through January 1, 2018. As a result, the Fiduciary Rule and the Impartial Conduct Standards in these PTEs will become applicable beginning on June 9, 2017, while other conditions in these PTEs, such as requirements to make specific written disclosures and representations of fiduciary compliance in investor communications, are not required until January 1, 2018. In addition, the Department also delays the applicability of amendments to PTE 84–24 until January 1, 2018, except that the Impartial Conduct Standards will become applicable on June 9, 2017, and extends the applicability dates of the amendments to other previously granted PTEs for 60 days until June 9, 2017.

As fully discussed above in Section B, the Department received many comments supporting and opposing the applicability date delay. In general, commenters opposing the delay expressed concern regarding the harm investors would suffer if their advisers continue providing conflicted advice to them while the applicability date for the Fiduciary Rule and PTEs is delayed. On the other hand, commenters supporting the proposed 60-day delay or a longer or indefinite delay argued that such delay would be appropriate, because it would provide sufficient time for the Department to complete its review of the Rule and PTEs in conformance with the President's Memorandum without issuing a series of extensions that could create market frictions due to uncertainty regarding whether the Department would ultimately leave the Rule in place, revise it, or rescind it.

The Department's decision to delay the applicability date of the Fiduciary Rule for 60 days and make the Impartial Conduct Standards in the new PTEs and amendments to previously granted PTEs applicable on June 9, 2017, is expected to produce benefits that justify associated costs. On the benefits side, the 60-day delay of the April 10 applicability date will avert the possibility of a costly and disorderly transition to the Impartial Conduct Standards on April 10. In the face of uncertainty and widespread questions about the Fiduciary Rule's future or possible repeal, many financial firms slowed or halted their efforts to prepare for full compliance on April 10. Consequently, failure to delay that applicability date could jeopardize such firms' near-term ability and/or propensity to serve classes of customers, and both such firms and their investor customers could suffer. Investors whose cost to select and change to a different firm are high would be more adversely affected by such disruption. Also on the benefits side, both the 60-day delay and the subsequent transition period will generate cost savings for firms. Today's final rule will produce more cost savings for firms than a 60-day delay of the PTEs' applicability date would alone, because many exemption conditions would not have to be met until January 1, 2018. The Department notes, however, that the benefits of avoiding disruption and compliance cost savings generally will be proportionately larger for those firms that currently are less prepared to comply with the Fiduciary Rule and PTEs.

On the cost side, the NPRM RIA predicted that a 60-day delay alone would inflict some losses on investors, because advisory conflicts would continue to affect some advice rendered during those 60 days. However, the Department now believes that investor losses from the 60-day extension provided here will be relatively small. Because many firms have already taken steps toward honoring fiduciary standards, some investor gains from the Fiduciary Rule are already being realized and are likely to continue. On the other hand, because many other firms are not immediately prepared to satisfy new requirements beginning April 10, and need additional time to comply, the 60-day delay is unlikely to deprive investors of additional gains.[13]

Finally, because the Impartial Conduct Standards will become applicable on June 9, 2017, the Department believes that firms will make efforts to adhere to those standards, motivated both by their applicability and by the prospect of their likely continuation, as well as by the impending applicability of complementary consumer protections and/or enforcement mechanisms beginning on January 1, 2018, depending on the results of the Department's review of the Fiduciary Rule pursuant to the President's Memorandum. Because of Firms' anticipated efforts to satisfy the Impartial Conduct Standards during that review, the Department believes that most, but not all, of the investor gains predicted in the 2016 RIA for the transition period will remain intact. The fraction of these gains that will be lost during the transition period (and future returns not realized because of those losses), however, will represent a cost of this final rule.

Several recent media articles reported that industry and market observers anticipate multiple extensions because they believe 60 days would not be sufficient for the Department to conclude its re-examination.[14] Several commenters were also skeptical that the Department can complete its thorough re-evaluation within the 60 day period as proposed. Thus, those commenters supported much longer-term extensions such as a one-year or indefinite extension. Under this final rule extending the applicability dates, stakeholders can plan on and prepare for compliance with the Fiduciary Rule and the PTEs' Impartial Conduct Standards beginning June 9, 2017. At the same time, stakeholders will be assured that they will not be subject to the other exemption conditions in the BIC Exemption and the Principal Transactions Exemption until at least January 1, 2018. The Department will aim to complete its review pursuant to

[12] The Department would also treat Interpretative Bulletin 96–1 as continuing to apply during the 60-day extension of the applicability date of the Rule.

[13] Comments on the NPRM and various media reports together suggest that there is substantial variation in different firms' preparedness to comply with various provisions of the Fiduciary Rule and PTEs. Differences in firms' preparedness may reflect differences in the level of effort required to achieve compliance, differences in the availability of resources to undertake such efforts, differences in expectations about whether, how and when the Fiduciary Rule and PTEs might be revised, differences in perceptions of and appetite for compliance and/or market risk, or some combination of these factors.

[14] Mark Schoeff Jr. Investment News, March 1, 2017, ''Delay of DOL Fiduciary Rule likely to extend beyond 60 days.''

the President's Memorandum as soon as possible before that date and announce its intention on whether to propose changes to the Rule or PTEs, provide additional transitional relief, or to allow all the conditions of the PTEs to become applicable as scheduled on January 1, 2018.

The Department has concluded that the benefits of this final rule, which include the estimated cost savings, the potential reduction in transition costs, the reduction of uncertainties, and the avoidance of major and costly market disruptions, justify its costs.

1. Executive Order 12866 Statement

This final rule is an economically significant regulatory action within the meaning of section 3(f)(1) of Executive Order 12866, because it would likely have an effect on the economy of $100 million in at least one year. Accordingly, the Department has considered the costs and benefits of the final rule, and it has been reviewed by the Office of Management and Budget (OMB).

a. Investor Gains

Some commenters suggested that the Department underestimated the harms to investors from NPRM's proposed delay, because the illustrative losses of investor gains did not include all types of conflicts nor all types of investment in addition to excluding the harms associated with rollover recommendations and small plans. One commenter offered its own estimates of investor losses, significantly larger than the Department's, due to this delay. Other commenters argued that the Department's estimated investor losses from the proposed 60-day delay were overstated because they were derived from the 2016 RIA, which these commenters contend overestimated net investor gains.

The Department's regulatory impact analysis of the Fiduciary Rule and related PTEs (2016 RIA) predicted that resultant gains for retirement investors would justify the compliance costs. The analysis estimated a portion of the potential gains for IRA investors at between $33 billion and $36 billion over the first 10 years for one segment of the market and category of conflicts of interest. It predicted, but did not quantify, additional gains for both IRA and ERISA plan investors.

In considering the benefits and costs of this final rule, the Department considered both the effects of the 60-day delay (until June 9) in the applicability of the Fiduciary Rule and PTEs and Impartial Conduct Standards conditions, and the longer delay (until January 1, 2018) in the applicability of the other exemption conditions in the BIC Exemption and the Principal Transactions Exemption.

The NPRM's RIA illustrated a possible effect of a 60-day delay in the commencement of the potential investor gains estimated in the 2016 RIA. The illustration indicated that such a delay could result in a reduction in those estimated gains of $147 million in the first year and $890 million over 10 years using a three percent discount rate.[15] The illustration used the same methodology that the 2016 RIA used to estimate potential investor gains from the Rule. Both made use of empirical evidence that front-end-load mutual funds that share more of the load with distributing brokers attract more flows but perform worse.[16]

To the extent that investment advisers comply with the Fiduciary Rule and PTEs only when the Fiduciary Rule and PTEs are applicable on their original terms and schedule, this estimate represents a reasonable adjustment of the 2016 estimate to reflect the impact of the 60-day delay. On the other hand, if some advisers would comply with or without a delay or would fail to comply with or without a delay, then the estimate overstates the delay's impact. Public comments that have implications for these possibilities will be discussed below.

A number of comments on the NPRM indicate that some firms are not prepared to comply with the Fiduciary Rule beginning on April 10, 2017. Based on these comments, it appears that, even before the President issued his Memorandum, at least some firms were not on course to achieve full compliance with the Impartial Conduct Standards by that date. In addition, over the nearly sixty days since the President's Memorandum, many firms have assumed that the Department is likely to grant a delay or even repeal the rulemaking, and stepped back their compliance efforts accordingly. As a result, the Department is concerned that a significant portion of the industry is not in a position to issue millions of notices, finalize and fully stand-up transition compliance structures, and perform all the other work necessary to comply with their obligations under the transition provisions of the BIC Exemption and Principal Transaction Exemption by the April 10, 2017 deadline.

As a result, notwithstanding the Department's efforts to issue transitional enforcement relief, absent an additional sixty days' extension, there is a significant risk of a confused and disorderly transition process, rushed business decisions, excessive expenses because of deadlines that are now too tight, and poor or inaccurate communications to consumers. This could also lead to reduced services and increased costs for consumers in the short term. While the Department cannot readily quantify the impact of these considerations, there is substantial reason to believe that they could substantially offset the benefits portion of the investor gains originally posited by (but not quantified in) the 2016 RIA in the sixty days immediately following the original applicability date. The calculated investor gains above were based on the assumption that firms would be in a position to comply with their transitional obligations by April 10, 2017. As noted previously, to the extent that assumption is incorrect, the calculations overstate the likely injury caused by delay.

The 60-day extension permits an orderly transition to the Impartial Conduct Standards to once again occur, so that investors can gain from firms' adherence to these basic standards. Additionally, the approach taken by this document gives the Department the time necessary to implement the President's Memorandum, while avoiding the risk that firms will engage in costly compliance activities to meet requirements that the Department may ultimately decide to revise. It has been close to a year since the Department finalized the Fiduciary Rule and PTEs, and now with the additional extension of the applicability date contained in this final rule, there is little basis for concluding that advisers need still more time before they will be ready to give advice that is in the best interest of retirement investors and free from material misrepresentations in exchange for reasonable compensation. In addition, some comments indicate that some firms have already adopted and intend to maintain fiduciary standards

[15] The ten-year estimate using a seven percent discount rate was $610 million. The equivalent annualized estimates were $104 million using a three percent discount rate and $87 million using a seven percent discount rate.

[16] Other characteristics that are shared due to the common methodology include: (1) The estimates encompass both transfers and changes in society's real resources (the latter being benefits in the context of the 2016 RIA but costs in this RIA because gains are forgone); (2) the estimates have a tendency toward overestimation in that they reflect an assumption that the April 2016 Fiduciary Rule will eliminate (rather than just reduce) underperformance associated with the practice of incentivizing broker recommendations through variable front-end-load sharing; and (3) the estimates have a tendency toward underestimation in that they represented only one negative effect (poor mutual fund selection) of one source of conflict (load sharing), in one market segment (IRA investments in front-load mutual funds).

of conduct. For this reason too, investor losses from the 60-day delay are likely to be smaller than would otherwise be the case.

At the same time, the Department notes that the NPRM RIA's illustration of potential investor losses was incomplete because it represented only one negative effect of one source of conflict in one market segment. Accordingly, some commenters suggested that the Department underestimated the harms to investors from NPRM's proposed delay, because the illustrative losses of investor gains did not include all types of conflicts nor all types of investment in addition to excluding the harms associated with rollover recommendations and small plans.[17] One commenter offered its own estimates of investor losses, significantly larger than the Department's, due to this delay. For example, the comment letter submitted by Economic Policy Institute (EPI) estimates that retirement savers who received conflicted advice during the 60-day delay would receive $3.7 billion less when their savings are drawn down over 30 years compared to those savers that did not receive conflicted advice. EPI derived its estimate using the methodology the White House Council of Economic Advisors (CEA) used in its 2015 report, which estimated that the aggregate annual cost of conflicted advice is about $17 billion each year).[18] The Department notes that the EPI estimate covers broad range of investments including variable annuities and other types of mutual funds, while the Department's estimates in the 2016 final RIA are based solely on front-end load mutual funds.

Other commenters argued that the Department's estimated investor losses from the proposed 60-day delay were overstated because they were derived from the 2016 RIA, which these commenters contend overestimated net investor gains. These commenters generally contend the 2016 RIA wrongly applied published research to estimate investor gains and/or failed to properly account for social costs such as potential loss of access to financial advice.[19] These comments largely echo comments made in response to the Fiduciary Rule when it was proposed in 2015, and that were addressed in considerable detail in the 2016 RIA. In the 2016 RIA, the Department concluded that published research supports its estimates of investor gains and that the Fiduciary Rule and PTEs were not likely to impose additional social costs as a result of the loss of access to financial advice.[20] The Department notes that its conclusion that investor losses from this delay will be small has no immediate bearing on the conclusions of its 2016 RIA. However, the Department will review the 2016 RIA's conclusions as part of its review of the Fiduciary Rule and PTEs directed by the Presidential Memorandum.

With respect to this final rule's delay in the applicability of exemption conditions other than the Impartial Conduct Standards in the BIC Exemption and the Principal Transactions Exemption until January 1, 2018, the Department considered whether investor losses might result. Under this final rule, beginning on June 9, 2017, advisers will be subject to the prohibited transaction rules and will generally be required to (1) make recommendations that are in their client's best interest (*i.e.,* IRA recommendations that are prudent and loyal), (2) avoid misleading statements, and (3) charge no more than reasonable compensation for their services. If advisers fully adhere to these requirements, affected investors will generally receive the full gains due to the fiduciary rulemaking. However, the temporary absence (until January 1, 2018) of exemption conditions intended to support and provide accountability mechanisms for such adherence (*e.g.,* conditions requiring advisers to provide a written acknowledgement of their fiduciary status and adherence to the Impartial Conduct Standards) obliges the Department to consider the possibility that some lapses in compliance may result in associated investor losses.

Advisers who presently are fiduciaries may be especially likely to fully satisfy the PTEs' Impartial Conduct Standards before January 1, 2018, in the ERISA-plan context, because advisers who make recommendations to plans and plan participants regarding plan assets, including recommendations on rollovers or distributions of plan assets, are already subject to standards of prudence and loyalty under ERISA and a violation of the Impartial Conduct Standards would be subject to claims for civil liability under ERISA. Moreover, financial institutions and advisers who do not provide impartial advice as required by the Rule and PTEs would violate the prohibited transaction rules of the Code.

In addition, the temporary absence of the transitional disclosure conditions in the BIC Exemption and Principal Transactions Exemption is likely to have a smaller impact than would be true if the Impartial Conduct Standards were removed. Advisers would be expected to exercise care to fairly and accurately describe recommended transactions and compensation practices pursuant to the Impartial Conduct Standards which require advisers to make recommendations that are prudent and loyal (*i.e.,* in the customer's best interest), free from misrepresentations, and consistent with the reasonable compensation standard.[21] In addition, even though advisers would not be specifically required by the terms of these PTEs to notify retirement investors of the Impartial Conduct Standards and to acknowledge their fiduciary status before January 1, 2018, many investors are likely to know they are entitled to advice that adheres to a fiduciary standard because this final rule will receive publicity from the Department and media, and many advisers will likely notify consumers voluntarily about the imposition of the standard and their adherence to that standard as a best practice.

Comments received by the Department and media reports also indicate that many financial institutions already had completed or largely completed work to establish policies and procedures necessary to make the business structure and practice shifts required by the Impartial Conduct Standards earlier this year (*e.g.,* drafting and implementing training for staff, drafting client correspondence and explanations of revised product and service offerings, negotiating changes to agreements with product manufacturers as part of their approach to compliance with the PTEs, changing employee and agent compensation structures, and designing conflict-free product offerings), and the Department believes that financial institutions may use this compliance infrastructure to ensure that they meet the Impartial Conduct Standards after taking the additional

[17] For example, the comment letter submitted by Consumer Federation of America on March 17, 2017 argued that regulatory impact analysis for the Fiduciary Rule is inadequate.

[18] The CEA report was most recently accessed at the following URL: *https://permanent.access.gpo.gov/gpo55500/cea_coi_report_final.pdf.*

[19] For example, see the ICI comment letter and the IRI comment letter.

[20] The 2016 RIA is available at *https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/Rules-and-regulations/completed-Rulemaking/1210-AB32-2/conflict-of-interest-ria.pdf.* See pp. 312–324.

[21] In addition to various disclosure and representation obligations, other delayed conditions in the BIC Exemption and Principal Transactions Exemption include requirements to designate persons responsible for addressing material conflicts of interest and monitoring compliance and to comply with recordkeeping obligations.

sixty days for an orderly transition between June 9, 2017, and January 1, 2018.

For these reasons, the Department expects that advisers' compliance with the Impartial Conduct Standards during the period between June 9, 2017 and January 1, 2018, will be substantial, even if there is some reduction in compliance relative to the baseline. The Department is uncertain about the magnitude of this reduction and will consider this question as part of its review of the Fiduciary Rule and PTEs pursuant to the President's Memorandum.

b. Cost Savings

In the 2016 RIA, the Department estimated that Financial Institutions would incur $16 billion in compliance costs over the first 10 years, $5 billion of which are first-year costs. Delaying the applicability date of the Rule and PTEs would result in cost savings due to foregone costs of complying for 60 days with the new PTE conditions. Additionally, after June 9, 2017 until at least January 1, 2018, financial institutions and advisers relying on the BIC Exemption and Principal Transactions Exemption to engage in covered transactions would have to satisfy only the Impartial Conduct Standards of those exemptions. They would not be specifically required to meet other transition period requirements of these PTEs, such as to make specific written disclosures and representations of fiduciary status and of compliance with fiduciary standards in investor communications, designate a person or persons responsible for addressing material conflicts of interest and monitoring advisers' adherence to the Impartial Conduct Standards, and comply with new recordkeeping obligations.

Therefore, due to both the 60-day delay of the Fiduciary Rule and PTEs and the reduced transition period requirements, the Department estimates cost savings of $78 million until January 1, 2018. The Department estimates that the ten-year cost savings, which also include returns on the cost savings that occur in the April 10, 2017, to January 1, 2018 time period, are $123 million using a three percent discount rate, and $114 million using a seven percent discount rate. The equivalent annualized values are $14.4 million using a three percent discount rate and $16.2 million using a seven percent discount rate.[22]

Figure 1 shows the sources of the cost-savings. Please note that numbers in the table do not equal the ten-year total costs-saving, because they are not discounted. The cost savings to firms due to the delay remain unchanged relative to what was estimated for the NPRM, while the cost-savings from the complete elimination of the transition notice has increased. Also note that even though the applicability date of the exemption conditions have been delayed during the transition period, it is nevertheless anticipated that firms that are fiduciaries will implement procedures to ensure that they are meeting their fiduciary obligations, such as changing their compensation structures and monitoring the sales practices of their advisers to ensure that conflicts in interest do not cause violations of the Impartial Conduct Standards, and maintaining sufficient records to corroborate that they are adhering to Impartial Conduct Standards. However, these firms have considerably more flexibility to choose precisely how they will comply during the transition period. Therefore, there could be additional cost savings not included in these estimates if, for example, firms develop more efficient methods to adhere to the Impartial Conduct Standards. The Department does not have sufficient data to estimate these cost savings, therefore, they are not quantified.

[22] Estimates are derived from the ''Data Collection,'' ''Record Keeping (Data Retention),'' and ''Supervisory, Compliance, and Legal Oversight'' categories discussed in section 5.3.1 of the 2016 final RIA and reductions in the number of the transition notices that will be delivered.

Figure. 1 Cost-Savings Due to 60 Day Delay and Then Only Impartial Conduct Standards Until January 1 ($ in thousands and undiscounted)				
BD	**Large**	**Medium**	**Small**	**Total**
Data Collection	$423	$372	$2,572	$3,366
Record Keeping (Data Retention)	$706	$1,116	$4,297	$6,119
Supervisory, Compliance, and Legal Oversight	$339	$462	$2,061	$2,861
Total				$12,347
RIA Firms Using BICE				
Data Collection	$221	$997	$3,492	$4,710
Record Keeping (Data Retention)	$370	$2,991	$5,835	$9,196
Supervisory, Compliance, and Legal Oversight	$89	$619	$1,399	$2,107
Total				$16,012
Insurance Firms				
Data Collection	$221	$443	$223	$887
Record Keeping (Data Retention)	$370	$1,328	$372	$2,071
Supervisory, Compliance, and Legal Oversight	$177	$550	$179	$906
Total				$3,863
Savings from Notice Requirements				$45,746
Grand Total				$77,968

The delay of applicability dates described in this final rule could defer or reduce start-up compliance costs, particularly in circumstances where more gradual steps toward preparing for compliance are less expensive. However, due to lack of systematic evidence on the portion of compliance activities that have already been undertaken, thus rendering the associated costs sunk, the Department is unable to quantify the potential change in start-up costs that would result from a delay in the applicability date and elimination of the transition disclosure requirement.

Commenters addressed the issue of start-up costs that have not yet been incurred suggesting that a delay could yield substantial savings, particularly if subsequent changes to the Fiduciary Rule and PTEs or subsequent market developments make it possible to avoid or reduce such costs. One commenter provided as an example of start-up costs that might be avoided the cost of developing ''T'' shares—a cost that has not yet been incurred by some affected firms. T shares, a class of mutual fund shares, generally would pay advisers a uniform commission, thereby mitigating advisory conflicts otherwise associated with variation in commission levels across different mutual funds. Some investment companies had been rushing to develop T shares in order to comply with the Fiduciary Rule and PTEs' originally scheduled applicability dates. However, some investment companies are now pursuing an alternative approach, sometimes referred to as ''clean'' shares, as a potentially better solution. Clean shares would have no commission attached. Instead, distributing brokers would set their own commission levels, and generally would set the levels uniformly across different funds they recommend, thereby mitigating potential conflicts from variation in commission levels. The clean share approach recently became more viable, owing to new SEC staff guidance clarifying its permissibility under applicable law. It now seems likely that the T-share approach will yield to clean shares. Consequently, this final rule's delay in the applicability of the Fiduciary Rule and PTEs might make it possible to avoid some of the cost of continuing to develop and implement T-shares, in favor of moving more directly to what might be the preferred long-term solution, namely, clean shares.

More generally, however, it is unclear what proportion of start-up costs might be avoided as a result of this final rule's delay of applicability dates. Absent additional changes to the Fiduciary Rule or PTEs, firms are likely to incur most of these costs eventually. The Department generally believes that start-up costs not yet incurred for requirements scheduled to become applicable January 1, 2018, should not be included as a cost savings associated with this final rule, because it remains to be determined whether those requirements will be revised or eliminated.

Some comments generally argued that the compliance cost estimates presented in the 2016 RIA were understated, and that therefore the cost savings from a delay in the applicability of all or some of the requirements of the Fiduciary Rule and PTEs would be larger than estimated above.

Some comments reported expected costs savings if the Fiduciary Rule is rescinded or modified; however, that information is not useful for calculating the cost savings associated with this final rule, because the appropriate baseline for this analysis assumes full implementation of the Fiduciary Rule

and PTEs by January 1, 2018. Those start-up costs that have not been incurred only would have an impact if the Department decides in the future to delay the January 1, 2018 implementation date or to revise or repeal the obligations of firms and advisers. The Department does not have any basis for predicting such changes at this time, before it has received substantial new data or evidence in response to the President's Memorandum.

A commenter also asserted that the Department significantly understated the cost savings that would result from a 60-day delay. This assertion had three components: (1) The commenter estimated the cost over 60 days to be $250 million based on the on-going cost from the final 2016 RIA of $1.5 billion per year, (2) that cost savings over a 10-year period were not provided to allow comparison to the negative effects on investors that would occur over the ten year period, (3) that industry cost savings were not projected out over 10 years using returns on capital in a similar manner to investors' lost earnings. The Department stands behind its estimate, however, because the commenter misapplied the estimates from the 2016 final RIA when developing its cost-saving estimate. The $1.5 billion on-going costs are the costs of compliance for all components of the Fiduciary Rule and PTEs; however, the delay affects only the costs related to the transition period requirements which are a subset of the costs included in the $1.5 billion estimate. Also, when estimating the costs for the Fiduciary Rule and PTEs a decision was made, for simplification of estimation, to over-estimate costs for the transition period by using the same costs for the transition period as was used for the period with full compliance during that time period.

The comment's assertions in items (2) and (3) above also are incorrect. Instead of a ten-year total cost number, an annualized number for the ten-year period was provided in the NPRM for both the cost savings ($8 million using a three percent discount rate and $9 million using a seven percent discount rate) and for the negative investor impacts ($104 million using a three percent discount rate and $87 million using a seven percent discount rate). Annualized numbers use the same inputs as those used to estimate a ten-year discounted total number, thereby allowing a comparison of expected impacts across the ten-year period. Also, the cost savings to firms from the delay were projected out for ten years and included in the annualized numbers to account for the fact that due to the delayed applicability date, financial institutions will have additional resources to reinvest in their firms. This parallels the methodology the Department used to estimate the ten-year reduction in investor gains that will result from the delay. Contrary to the concerns expressed by another commenter, the reported annualized number does not mean that costs are spread equally across the ten years.

Another commenter agreed that a delay ''could delay or reduce start-up compliance costs, particularly in circumstances where more gradual steps towards preparing for compliance are less expensive.'' However, the commenter failed to provide any estimates or data that would help the Department quantify such cost savings.

c. Alternatives Considered

In conformance with Executive Order 12866, the Department considered several alternatives in finalizing this final rule that were informed by public comments. As discussed below, the Department believes the approach adopted in this final rule likely yields the most desirable outcomes including avoidance of costly market disruptions, more compliance cost savings than other alternatives, and reduced investor losses. In weighing different options, the Department took numerous factors into account. The Department's objective was to avoid unnecessary confusion and uncertainty in the investment advice market, facilitate continued marketplace innovation, and minimize investor losses while maximizing compliance cost savings.

Compared with the alternative offered in the NPRM, this final rule provides more benefits. It provides more certainty during the period between June 9, 2017 and January 1, 2018. The Department will aim to complete its review of the Fiduciary Rule and PTEs pursuant to the President's Memorandum in advance of January 1, 2018, and to thereby afford firms continued certainty and enough time to prepare for whatever action is prompted by the review. On the cost side, as noted above, the Department now believes that investor losses associated with either the NPRM approach (a 60-day delay alone) or this final rule delaying applicability dates would be relatively small. As opposed to a full delay of all conditions until January 1, 2018, this final rule's application of the Impartial Conduct Standards beginning on June 9, 2017, helps ensure that retirement investors will experience gains from a higher conduct standard and minimizes the potential for an undue reduction in those gains as compared to the full protections of all the PTEs' conditions.

The Department also considered the possible impact of a 90-day or longer delay in the application of the fiduciary standards and all conditions set forth in the Fiduciary Rule and PTEs. Such a longer delay likely would result in too little additional cost saving to justify the additional investor losses, which could be quite large. Under this final rule, the Department expects that over time investors will come to realize much of the gains due to the Impartial Conduct Standards. A longer delay in the application of the Fiduciary Rule and PTEs and those standards would deprive investors of important fiduciary protections for a longer time, resulting in larger investor losses.

The Department also considered a scenario where the fiduciary definition in the Rule and Impartial Conduct Standards in the PTEs take effect on April 10, 2017 as originally planned, while the remaining conditions in the PTEs become applicable on January 1, 2018. This approach was suggested by several commenters claiming that the delay is not necessary to conduct the examination required by the Presidential Memorandum.[23] This approach arguably might minimize any reduction to investor gains. The Department did not adopt this alternative, however, because it would not provide the regulated community with sufficient notice and time to comply, and the resultant disruptions attributable to the short time frame could overshadow any benefits.

2. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501, *et seq.*) prohibits federal agencies from conducting or sponsoring a collection of information from the public without first obtaining approval from the Office of Management and Budget (OMB). See 44 U.S.C. 3507. Additionally, members of the public are not required to respond to a collection of information, nor be subject to a penalty for failing to respond, unless such collection displays a valid OMB control number. See 44 U.S.C. 3512.

The Department has sent a request to OMB to modify the information collections contained in the Fiduciary Rule and PTEs. The Department will notify the public regarding OMB's response to its request in a separate **Federal Register** Notice. The information collection requirements

[23] For example, see the commenter letter submitted by Consumer Federation of America on March 17, 2017.

contained in the Rule and PTEs are as follows.

Final Rule: The information collections in the Rule are approved under OMB Control Number 1210–0155. Paragraph (b)(2)(i) requires that certain ''platform providers'' provide disclosure to a plan fiduciary. Paragraphs (b)(2)(iv)(C) and (D) require asset allocation models to contain specific information if they furnish and provide certain specified investment educational information. Paragraph (c)(1) requires a disclosure to be provided by a person to an independent plan fiduciary in certain circumstances for them to be deemed not to be an investment advice fiduciary. Finally, paragraph (c)(2) requires certain counterparties, clearing members and clearing organizations to make a representation to certain parties so they will not be deemed to be investment advice fiduciaries regarding certain swap transactions required to be cleared under provisions of the Dodd-Frank Act.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 20946, 20994.

PTE 2016–01, the Best Interest Contract Exemption: The information collections in PTE 2016–01, the BIC Exemption, are approved under OMB Control Number 1210–0156. The exemption requires disclosure of material conflicts of interest and basic information relating to those conflicts and the advisory relationship (Sections II and III), contract disclosures, contracts and written policies and procedures (Section II), pre-transaction (or point of sale) disclosures (Section III(a)), web-based disclosures (Section III(b)), documentation regarding recommendations restricted to proprietary products or products that generate third party payments (Section (IV), notice to the Department of a Financial Institution's intent to rely on the PTE, and maintenance of records necessary to prove that the conditions of the PTE have been met (Section V).

Section IX provides a transition period under which relief from these prohibitions is available for Financial Institutions and advisers during the period between the applicability date and January 1, 2018 (the ''Transition Period''). As a condition of relief during the Transition Period, Financial Institutions were required to provide a disclosure with a written statement of fiduciary status and certain other information to all retirement investors (in ERISA plans, IRAs, and non-ERISA plans) prior to or at the same time as the execution of recommended transactions (the ''Transition Disclosure''). The final rule eliminates and removes the burden from the ICR for the Transition Disclosure requirement for which the Department estimated that 31 million Transition Disclosures would be sent at a cost of $42.8 million during the transition period. This final rule therefore removes this burden.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21002, 21071.

PTE 2016–02, the Prohibited Transaction Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (Principal Transactions Exemption): The information collections in PTE 2016–02, the Principal Transactions Exemption, are approved under OMB Control Number 1210–0157. The exemption requires Financial Institutions to provide contract disclosures and contracts to Retirement Investors (Section II), adopt written policies and procedures (Section IV), make disclosures to Retirement Investors and on a publicly available Web site (Section IV), maintain records necessary to prove they have met the PTE conditions (Section V).).

Section VII provides a transition period under which relief from these prohibitions is available for Financial Institutions and advisers during the period between the applicability date and January 1, 2018 (the ''Transition Period''). As a condition of relief during the Transition Period, Financial Institutions were required to provide a disclosure with a written statement of fiduciary status and certain other information to all retirement investors (in ERISA plans, IRAs, and non-ERISA plans) prior to or at the same time as the execution of recommended transactions (the ''Transition Disclosure''). This final rule eliminates and removes the burden from the ICR for the Transition Disclosure requirement for which the Department estimated that 2.5 million Transition Disclosures would be sent at a cost of $2.9 million during the Transition Period. This final rule therefore removes this burden.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21089, 21129.

Amended PTE 75–1: The information collections in Amended PTE 75–1 are approved under OMB Control Number 1210–0092. Part V, as amended, requires that prior to an extension of credit, the plan must receive from the fiduciary written disclosure of (i) the rate of interest (or other fees) that will apply and (ii) the method of determining the balance upon which interest will be charged in the event that the fiduciary extends credit to avoid a failed purchase or sale of securities, as well as prior written disclosure of any changes to these terms. It also requires broker-dealers engaging in the transactions to maintain records demonstrating compliance with the conditions of the PTE.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21139, 21145. The Department concluded that the ICRs contained in the amendments to Part V impose no additional burden on respondents.

Amended PTE 86–128: The information collections in Amended PTE 86–128 are approved under OMB Control Number 1210–0059. As amended, Section III of the PTE requires Financial Institutions to make certain disclosures to plan fiduciaries and owners of managed IRAs in order to receive relief from ERISA's and the Code's prohibited transaction rules for the receipt of commissions and to engage in transactions involving mutual fund shares. Financial Institutions relying on either PTE 86–128 or PTE 75–1, as amended, are required to maintain records necessary to demonstrate that the conditions of these PTEs have been met.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21181, 21199.

Amended PTE 84–24: The information collections in Amended PTE 84–24 are approved under OMB Control Number 1210–0158. As amended, Section IV(b) of PTE 84–24 requires Financial Institutions to obtain advance written authorization from an independent plan fiduciary or IRA holder and furnish the independent fiduciary or IRA holder with a written disclosure in order to receive commissions in conjunction with the purchase of insurance and annuity contracts. Section IV(c) of PTE 84–24 requires investment company Principal Underwriters to obtain approval from an independent fiduciary and furnish the independent fiduciary with a written disclosure in order to receive commissions in conjunction with the purchase by a plan of securities issued by an investment company Principal Underwriter. Section V of PTE 84–24, as amended, requires Financial Institutions to maintain records necessary to demonstrate that the conditions of the PTE have been met.

The final rule delays the applicability of amendments to PTE 84–24 until

January 1, 2018, except that the Impartial Conduct Standards will become applicable on June 9, 2017. The Department does not have sufficient data to estimate that number of respondents that will use PTE–84–24 with the inclusion of Impartial Conduct Standards but delayed applicability date of amendments. Therefore, the Department has not revised its estimate from the proposed rule.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21147, 21171.

These paperwork burden estimates, which are substantially derived from compliance with conditions that will apply after January 1, 2018, over the three-year ICR approval period, are summarized as follows:

Agency: Employee Benefits Security Administration, Department of Labor.

Titles: (1) Best Interest Contract Exemption and (2) Final Investment Advice Regulation.

OMB Control Number: 1210–0156.

Affected Public: Businesses or other for-profits; not for profit institutions.

Estimated Number of Respondents: 19,890.

Estimated Number of Annual Responses: 34,095,501 during the first year and 72,282,441 during subsequent years.

Frequency of Response: When engaging in exempted transaction.

Estimated Total Annual Burden Hours: 2,701,270 during the first year and 2,832,369 in subsequent years.

Estimated Total Annual Burden Cost: $2,436,741,143 during the first year and $574,302,408 during subsequent years.

Agency: Employee Benefits Security Administration, Department of Labor.

Titles: (1) Prohibited Transaction Exemption for Principal Transactions in Certain Assets between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs and (2) Final Investment Advice Regulation.

OMB Control Number: 1210–0157.

Affected Public: Businesses or other for-profits; not for profit institutions.

Estimated Number of Respondents: 6,075.

Estimated Number of Annual Responses: 2,463,803 during the first year and 3,018,574 during subsequent years.

Frequency of Response: When engaging in exempted transaction; Annually.

Estimated Total Annual Burden Hours: 85,457 hours during the first year and 56,197 hours in subsequent years.

Estimated Total Annual Burden Cost: $1,953,184,167 during the first year and $431,468,619 in subsequent years.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to Federal Rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other laws. Unless the head of an agency certifies that a proposed Rule is not likely to have a significant economic impact on a substantial number of small entities, section 604 of the RFA requires that the agency present a final regulatory flexibility analysis (FRFA) describing the Rule's impact on small entities and explaining how the agency made its decisions with respect to the application of the Rule to small entities. Small entities include small businesses, organizations and governmental jurisdictions.

The Department has determined that this final rule will have a significant economic impact on a substantial number of small entities, and hereby provides this FRFA. As noted above, the Department is taking regulatory action to delay the applicability date of the fiduciary definition in the Rule and Impartial Conduct Standards in the PTEs until June 9, 2017, and remaining conditions for covered transactions in the BIC Exemption and Principal Transactions Exemption until January 1, 2018. In addition, the Department is delaying the applicability of amendments to Prohibited Transaction Exemption 84–24 until January 1, 2018, other than the Impartial Conduct Standards, which will become applicable on June 9, 2017. This final rule is intended to reduce any unnecessary disruption that could occur in the marketplace if the applicability date of the Rule and PTEs occurs while the Department examines the Rule and PTEs as directed in the Presidential Memorandum. In the face of uncertainty and widespread questions about the Fiduciary Rule's future or possible repeal, many financial firms slowed or halted their efforts to prepare for full compliance on April 10. Consequently, failure to delay that applicability date could jeopardize firms' near-term ability and/or propensity to serve classes of customers, and both firms and investors could suffer.

The Small Business Administration (SBA) defines a small business in the Financial Investments and Related Activities Sector as a business with up to $38.5 million in annual receipts. The Department examined the dataset obtained from SBA which contains data on the number of firms by NAICS codes, including the number of firms in given revenue categories. This dataset allowed the Department to estimate the number of firms with a given NAICS code that falls below the $38.5 million threshold to be considered a small entity by the SBA. However, this dataset alone does not provide a sufficient basis for the Department to estimate the number of small entities affected by the rule. Not all firms within a given NAICS code would be affected by this rule, because being an ERISA fiduciary relies on a functional test and is not based on industry status as defined by a NAICS code. Further, not all firms within a given NAICS code work with ERISA-covered plans and IRAs.

Over 90 percent of broker-dealers (BDs), registered investment advisers, insurance companies, agents, and consultants are small businesses according to the SBA size standards (13 CFR 121.201). Applying the ratio of entities that meet the SBA size standards to the number of affected entities, based on the methodology described at greater length in the RIA of the Fiduciary Rule, the Department estimates that the number of small entities affected by this final rule is 2,438 BDs, 16,521 Registered Investment Advisors, 496 insurers, and 3,358 other ERISA service providers. For purposes of the RFA, the Department continues to consider an employee benefit plan with fewer than 100 participants to be a small entity. The 2013 Form 5500 filings show nearly 595,000 ERISA covered retirement plans with less than 100 participants.

Based on the foregoing, the Department estimates that small entities would save approximately $74.1 million in compliance costs due to the delays of the applicability dates described in this document.[24] This estimate is a subset of the cost savings discussed in the RIA, but is an estimate of cost savings only for small entities. As highlighted in the Final Regulatory Flexibility Act Analysis for the Fiduciary Rule, 96.2, 97.3, and 99.3 percent of BDs, Registered Investment Advisors, and Insurers respectively are estimated to meet the SBAs definition of small business. These cost savings are substantially derived from foregone on-going compliance requirements related to the transition notice requirements for the BIC Exemption and the Principal Transactions Exemption, data collection to demonstrate satisfaction of fiduciary requirements, and retention of data to demonstrate the satisfaction of

[24] This estimate includes savings from notice requirements. Savings from notice requirements include savings from all firms because it is difficult to break out cost savings only from small entities as defined by SBA.

conditions of the exemption during the Transition Period.

As discussed above, most firms affected by this final rule meet the SBA's definition of a small business. Therefore, the discussion of the comments received on the proposed rule in Section B. and alternatives in Section C.1.c, is relevant and cross-referred to for purpose of this Regulatory Flexibility Act analysis.

4. Congressional Review Act

The final rule extending the applicability date is subject to the Congressional Review Act (CRA) provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) and will be transmitted to Congress and the Comptroller General for review. The final rule is a ''major rule'' as that term is defined in 5 U.S.C. 804, because it is likely to result in an annual effect on the economy of $100 million or more. Although the CRA generally requires that major rules become effective no sooner than 60 days after Congress receives the required report, the CRA allows the issuing agency to make a rule effective sooner, if the agency makes a good cause finding that such public procedure is impracticable, unnecessary, or contrary to the public interest. The Department has made such a good cause finding for this rule (as discussed in further detail below in Section C.6 of this document), including the basis for that finding. The Presidential Memorandum, directing the Department to conduct an updated legal and economic analysis, was issued on February 3, 2017, only 67 days before the Rule and PTEs were scheduled to become applicable. The Department has determined it would be impracticable for it to conclude any delay of this rulemaking more than 60 days before the April 10, 2017 applicability date.

5. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation with the base year 1995) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. For purposes of the Unfunded Mandates Reform Act, as well as Executive Order 12875, the final rule extending the applicability date does not include any federal mandate that we expect would result in such expenditures by State, local, or tribal governments, or the private sector. The Department also does not expect that the delay will have any material economic impacts on State, local or tribal governments, or on health, safety, or the natural environment.

6. Effective Date and Good Cause Under 553(d)(1), (3)

The extension of the applicability date of the Rule and PTEs is effective immediately upon publication of the final rule in the **Federal Register**. Under 5 U.S.C. 553(d) (Administrative Procedure Act), an agency may determine that its rulemaking should become effective more quickly than the 30 days after publication that is otherwise required. This is appropriate if the rule relieves a restriction, or if the agency finds, and publishes, good cause to accelerate the effective date. The Department has determined that a delay of the applicability date of the Rule and PTEs relieves a restriction and therefore may appropriately become effective immediately. Additionally, for all of the reasons set forth in Sections B and C, the Department has determined that there is good cause for making the rule effective immediately. The APA provision is intended to ensure that affected parties have a reasonable amount of time to adjust their behavior to comply with new regulatory requirements. This final rule, which delays for 60 days regulatory requirements that would otherwise apply as of April 10, 2017, fulfills that purpose. Moreover, if the final rule's 60-day delay were not immediately effective, significant provisions of the Rule and PTEs could become applicable on April 10 before the delay takes effect, resulting in a period in which the Rule, fiduciary obligations, and notice and disclosure requirements would become applicable before becoming inapplicable again. Such a gap period would result in a chaotic transition to fiduciary standards that would create additional confusion, uncertainty, and expense, thereby defeating the purposes of the delay. The resulting disorder would be contrary to principles of fundamental fairness and could increase costs, not only for firms and advisers, but for the retirement investors that they serve. The Department also believes that making the rule immediately effective will provide plans, plan fiduciaries, plan participants and beneficiaries, IRAs, IRA owners, financial services providers and other affected service providers the level of certainty that the rule is final and not subject to further modification without additional public notice and comment that will allow them to immediately resume and/or complete preparations for the provisions of the Rule and PTEs that will become applicable on June 9, 2017. Accordingly, the Department has concluded that providing certainty, by making the delay effective immediately, would be a more reasonable and fair path forward. In addition, the Presidential Memorandum ordering the Department to reconsider its legal and economic analysis was issued only 67 days before the applicability date and generated a high volume of comments; it would have been impracticable for the Department to finish any public rulemaking process quickly enough to provide an effective date 30 days after publication.

7. Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771, titled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017. Section 2(a) of Executive Order 13771 requires an agency, unless prohibited by law, to identify at least two existing regulations to be repealed when the agency publicly proposes for notice and comment, or otherwise promulgates, a new regulation. In furtherance of this requirement, section 2(c) of Executive Order 13771 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. OMB's interim guidance, issued on February 2, 2017, explains that for Fiscal Year 2017 the above requirements only apply to each new ''significant regulatory action that imposes costs,'' and that ''costs should be measured as the opportunity cost to society.'' The impacts of today's final rule are categorized consistently with the analysis of the original Fiduciary Rule, and the Department has also concluded that the impacts identified in the Regulatory Impact Analysis accompanying the 2016 final rule may still be used as a basis for estimating the potential impacts of that final rule, were it not being modified today. It has been determined that, for purposes of E.O. 13771, the impacts of the Fiduciary Rule that were identified in the 2016 analysis as costs, and are reduced by today's final rule, are presently categorized as cost savings (or negative costs), and impacts of the Fiduciary Rule that were identified in the 2016 analysis as a combination of transfers and positive benefits, and that are reduced by today's final rule, are categorized as a combination of (opposite-direction) transfers and negative benefits. Accordingly, OMB has determined that this final rule extending the

applicability date does not impose costs that would trigger the above requirements of Executive Order 13771.

D. Supplemental Description of PTEs Available to Investment Advisers

When it adopted the Fiduciary Rule in 2016, the Department also granted the new BIC Exemption [25] and Principal Transactions Exemption,[26] to facilitate the provision of investment advice in retirement investors' best interest. In the absence of an exemption, investment advice fiduciaries would be statutorily prohibited under ERISA and the Code from receiving compensation as a result of their investment advice, and from engaging in certain other transactions, involving plan and IRA customers. These new exemptions provided broad relief from the prohibited transaction provisions for investment advice fiduciaries operating in the retail marketplace. The Department also expanded an existing exemption to permit investment advice fiduciaries to receive compensation for extending credit to avoid failed securities transactions. *See* PTE 75–1, Part V.[27]

At the same time that it granted the new exemptions, the Department amended a number of previously granted exemptions to incorporate the Impartial Conduct Standards as conditions. In some cases, previously granted exemptions were revoked or were narrowed in scope, with the aim that investment advice fiduciaries would rely primarily on the BIC Exemption and Principal Transactions Exemption when they provided advice to retirement investors in the retail marketplace. These amendments were, as a whole, intended to ensure that retirement investors would consistently be protected by Impartial Conduct Standards, regardless of the particular exemption upon which an investment advice fiduciary relies.

As discussed in Sections B and C above, the Department has determined that the Impartial Conduct Standards in the new exemptions and amendments to previously granted exemptions should become applicable on June 9, 2017, so that retirement investors will be protected during the period in which the Department conducts its examination of the Fiduciary Rule. Accordingly, this document extends for 60 days the applicability dates of the BIC Exemption and the Principal Transactions Exemption and requires adherence to the Impartial Conduct Standards (including the ''best interest'' standard) only, as conditions of the transition period through January 1, 2018. Thus, the fiduciary definition in the Rule published on April 8, 2016, and Impartial Conduct Standards in these exemptions, are applicable on June 9, 2017, while compliance with other conditions for covered transactions, such as the contract requirement, in these exemptions is not required until January 1, 2018. This document also delays the applicability of amendments to Prohibited Transaction Exemption 84–24 until January 1, 2018, other than the Impartial Conduct Standards, which will become applicable on June 9, 2017. Finally, this document extends the applicability dates of amendments to other previously granted exemptions to June 9, 2017. Taken together, these exemptions provide broad relief to fiduciary advisers, all of whom will be subject to the Impartial Conduct Standards under the exemptions' terms. A brief description of the exemptions, and their applicability dates, follows.

BIC Exemption and Principal Transactions Exemption

Both the BIC Exemption and the Principal Transactions Exemption will become applicable on June 9, 2017. The periods of transition relief (Section IX of the BIC Exemption and Section VII of the Principal Transactions Exemption) are amended to extend from June 9, 2017, through January 1, 2018. The Impartial Conduct Standards set forth in the transition relief are applicable June 9, 2017. In addition, Section II(h) of the BIC Exemption is amended to delay conditions for robo-advice providers that are Level Fee Fiduciaries other than the Impartial Conduct Standards, which are applicable on June 9, 2017; these entities are excluded from relief in Section IX but the Department determined that the transition relief should apply to them as well. The preambles to the BIC Exemption (81 FR 21026–32) and the Principal Transactions Exemption (81 FR 21105–09) provide an extensive discussion of the Impartial Conduct Standards of each exemption.

The remaining conditions of Section IX of the BIC Exemption and Section VII of the Principal Transactions Exemption, other than the Impartial Conduct Standards, will not be applicable during the Transition Period.[28] These conditions would have required a written statement of fiduciary status, specified disclosures, and a written commitment to adhere to the Impartial Conduct Standards; designation of a person or persons responsible for addressing material conflicts of interest and monitoring advisers' adherence to the Impartial Conduct Standards; and compliance with the recordkeeping requirements of the exemptions. Absent additional changes to the Exemptions, these conditions (and others) will first become applicable on January 1, 2018, after the Transition Period closed. *See* BIC Exemption Sections II(b), II(c), II(d)(2), II(e) and V; Principal Transactions Exemption Sections II(b), II(c), II(d)(2), II(e) and V.

PTE 84–24

PTE 84–24 [29] is a previously granted exemption for transactions involving insurance and annuity contracts, which was amended in April 2016 to include the Impartial Conduct Standards as conditions and to revoke relief for annuity contracts other than ''fixed rate annuity contracts.'' [30] By the amendment's terms, the exemption would no longer apply to transactions involving fixed indexed annuity contracts and variable annuity contracts as of April 10, 2017.

The Department is now delaying the applicability date of the April 2016 Amendments to PTE 84–24 until January 1, 2018, except for the *Section II. Impartial Conduct Standards* and the related definitions of ''Best Interest'' and ''Material Conflict of Interest,'' which will become applicable on June 9, 2017.[31] Therefore, from June 9, 2017, until January 1, 2018, insurance agents, insurance brokers, pension consultants and insurance companies will be able to continue to rely on PTE 84–24, as previously written,[32] for the recommendation and sale of fixed indexed, variable, and other annuity contracts to plans and IRAs,[33] subject to

[25] 81 FR 21002 (April 8, 2016), as corrected at 81 FR 44773 (July 11, 2016).

[26] 81 FR 21089 (April 8, 2016), as corrected at 81 FR 44784 (July 11, 2016).

[27] Exemptions from Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks, 81 FR 21139 (April 8, 2016).

[28] See Sections IX(d)(2)–(4) of the BIC Exemption and Sections VII(d)(2)-(4) of the Principal Transactions Exemption.

[29] Prohibited Transaction Exemption 84–24 for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies and Investment Company Principal Underwriters, 49 FR 13208 (April 3, 1984), as corrected 49 FR 24819 (June 15, 1984), as amended 71 FR 5887 (Feb. 3, 2006), and as amended 81 FR 21147 (April 8, 2016).

[30] The term ''Fixed Rate Annuity Contract'' is defined in Section VI(k) of the amended exemption.

[31] See 81 FR 21176 (Apr. 8, 2016), PTE 84–24 Section VI(b) (defining Best Interest) and Section VI(h) (defining Material Conflict of Interest).

[32] *See* 71 FR 5887 (Feb. 3, 2006).

[33] *See* PTE 2002–13, 67 FR 9483 (March 1, 2002) (preamble discussion of certain exemptions,

the addition of the Impartial Conduct Standards.[34]

The purpose of this partial delay of the amendment's applicability date is to minimize any concerns about potential disruptions in the insurance industry during the transition period and consideration of the Presidential Memorandum. While the Department believes that most parties receiving compensation in connection with annuity recommendations can readily rely on the broad transition exemption in the BIC Exemption, discussed above, some parties have expressed a preference to continue to rely on PTE 84–24, as amended in 2006, which has historically been available to the insurance industry for all types of annuity products. The Department notes that it is considering, but has not yet finalized, additional exemptive relief that is relevant to the insurance industry in determining its approach to complying with the Fiduciary Rule. *See* Proposed BIC Exemption for Insurance Intermediaries.[35]

PTE 86–128 and PTE 75–1, Parts I and II

In April 2016, the Department also amended PTE 86–128, which permits fiduciaries to receive compensation in connection with certain securities transactions, to require fiduciaries relying on the exemption to comply with the Impartial Conduct Standards, and revoked relief for investment advice fiduciaries to IRAs who would now rely on the BIC Exemption, rather than PTE 86–128. In addition, the Department revoked PTE 75–1, Part II(2), which had granted relief for certain mutual fund purchases between fiduciaries and plans, and amended PTE 86–128 to provide similar relief, subject to the additional conditions of PTE 86–128, including the Impartial Conduct Standards. Rather than becoming applicable on April 10, 2017, as provided by the April 2016 rulemaking, these amendments will now become applicable on June 9, 2017, reflecting a sixty day extension. In addition, the transition exemption in the BIC Exemption will be broadly available to investment advice fiduciaries engaging in the transactions permitted by PTE 86–128.

The April 2016 amendments also provided for the revocation of PTE 75–1, Part I, which provides an exemption for non-fiduciaries to perform certain services in connection with securities transactions. As discussed in the preamble to the amendments, the relief provided by PTE 75–1, Part I was duplicative of the statutory exemptions for service providers set forth in ERISA section 408(b)(2) and Code section 4975(d)(2).[36] Rather than becoming applicable on April 10, 2017, as provided in the April 2016 rulemaking, these amendments will now become applicable in their entirety on June 9, 2017, reflecting a sixty day extension. For a full discussion of the 2016 amendments to PTE 86–128 and 75–1, Parts I and II, *see* 81 FR 21181.

PTEs 75–1, Parts III and IV, 77–4, 80–83 and 83–1

The Department amended the following previously granted exemptions to require fiduciaries relying on the exemptions to comply with the Impartial Conduct Standards.[37] Because consistent application of the Impartial Conduct Standards is the Department's objective, these amendments will be delayed 60 days and become applicable June 9, 2017.

- PTE 75–1, Part III and IV, Exemptions from Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks.
- PTE 77–4, Class Exemption for Certain Transactions Between Investment Companies and Employee Benefit Plans.
- PTE 80–83, Class Exemption for Certain Transactions Involving Purchase of Securities Where Issuer May Use Proceeds to Reduce or Retire Indebtedness to Parties in Interest.
- PTE 83–1 Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts.

For a full discussion of these amendments, *see* 81 FR 21208.

PTE 75–1, Part V

In April 2016, the Department amended PTE 75–1, Part V, to permit investment advice fiduciaries to receive compensation for extending credit to a plan or IRA to avoid a failed securities transaction. Thus, the amendment expanded the scope of the existing exemption and allowed investment advice fiduciaries to receive compensation for such transactions, provided they make certain disclosures in advance regarding the interest that will be charged. The amendment will be useful to fiduciaries that are newly-covered under the Rule, which will become applicable on June 9, 2017, after a sixty day extension. Accordingly, this amendment too will become applicable on June 9, 2017. For a full discussion of the amendment, *see* 81 FR 21139.

E. List of Amendments to the Applicability Dates of the Prohibited Transaction Exemptions

Following are amendments to the applicability dates of the BIC Exemption and other PTEs adopted and amended in connection with the Fiduciary Rule defining who is a fiduciary for purposes of ERISA and the Code. The amendments are effective as of April 10, 2017. For the convenience of users, the text of the BIC Exemption, the Principal Transactions Exemption, and PTE84–24, as amended on this date, appear restated in full on EBSA's Web site. The Department finds that the exemptions with the amended applicability dates are administratively feasible, in the interests of plans, their participants and beneficiaries and IRA owners, and protective of the rights of plan participants and beneficiaries and IRA owners.

1. The BIC Exemption (PTE 2016–01) is amended as follows:

A. The date ''April 10, 2017'' is deleted and ''June 9, 2017'' is inserted in its place as the *Applicability date* in the introductory **DATES** section of the exemption.

B. *Section II(h)—Level Fee Fiduciaries* provides streamlined conditions for ''Level Fee Fiduciaries.'' In accordance with the exemption's Applicability Date, these conditions—including the Impartial Conduct Standards set forth in Section II(h)(2)—are applicable on June 9, 2017, but they are not required for parties that can comply with Section IX. For Level Fee Fiduciaries that are robo-advice providers, and therefore not eligible for Section IX, the Impartial Conduct Standards in Section II(h)(2) are applicable June 9, 2017 but the remaining conditions of Section II(h) are applicable January 1, 2018. The amended applicability dates are reflected in new Section II(h)(4).

C. *Section IX—Transition Period for Exemption* provides an exemption for the Transition Period, subject to conditions set forth in Section IX(d). The Transition Period identified in Section IX(a) is amended to extend from June 9, 2017, to January 1, 2018, rather than April 10, 2017, to January 1, 2018. Section IX(d)(1), which sets forth

including PTE 84–24, that apply to plans described in Code section 4975).

[34] The Impartial Conduct Standards are re-designated as Section VII of the 2006 exemption. PTE 84–24 also historically provided relief for certain transactions involving mutual fund principal underwriters that was revoked for transactions involving IRAs. The applicability date of that revocation is also delayed until January 1, 2018; accordingly, such transactions can continue until that time subject to the applicability of the Impartial Conduct Standards.

[35] 82 FR 7336 (January 19, 2017).

[36] 81 FR 21181, 21198–99 (April 8, 2016).

[37] 81 FR 21208 (April 8, 2016).

Impartial Conduct Standards, is applicable June 9, 2017. The remaining conditions of Section IX(d) are not applicable in the Transition Period. These conditions are also required in Sections II and V of the exemption, which will apply after the Transition Period.

2. The Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (PTE 2016–02), is amended as follows:

A. The date ''April 10, 2017'' is deleted and ''June 9, 2017'' is inserted in its place as the *Applicability date* in the introductory **DATES** section,

B. *Section VII—Transition Period for Exemption* sets forth an exemption for the Transition Period subject to conditions set forth in Section VII(d). The Transition Period identified in Section VII(a) is amended to extend from June 9, 2017, to January 1, 2018, rather than April 10, 2017, to January 1, 2018. Section VII(d)(1), which sets forth Impartial Conduct Standards, is applicable June 9, 2017. The remaining conditions of Section VII(d) are not applicable in the Transition Period. These conditions are also required in Sections II and V of the exemption, which will apply after the Transition Period.

3. Prohibited Transaction Exemption 84–24 for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, and Investment Company Principal Underwriters, is amended as follows:

A. The date ''April 10, 2017'' is replaced with ''January 1, 2018'' as the *Applicability date* in the introductory **DATES** section of the amendment, except as it applies to *Section II. Impartial Conduct Standards,* and Sections VI(b) and (h), which define ''Best Interest,'' and ''Material Conflicts of Interest,'' all of which are applicable June 9, 2017.

B. *Section II—Impartial Conduct Standards,* is redesignated as Section VII. The introductory clause is amended to reflect the June 9, 2017 applicability date of that section, as follows: ''On or after June 9, 2017, if the insurance agent or broker, pension consultant, insurance company or investment company Principal Underwriter is a fiduciary within the meaning of ERISA section 3(21)(A)(ii) or Code section 4975(e)(3)(B) with respect to the assets involved in the transaction, the following conditions must be satisfied, with respect to the transaction to the extent they are applicable to the fiduciary's actions[.]''

C. The definition of ''Best Interest,'' is redesignated as Section VI(h) and the definition of ''Material Conflict of Interest'' is redesignated as Section VI(i).

4. The following exemptions are amended by deleting the date ''April 10, 2017'' and replacing it with ''June 9, 2017,'' as the *Applicability date* in the introductory **DATES** section:

A. Prohibited Transaction Exemption 86–128 for Securities Transactions Involving Employee Benefit Plans and Broker-Dealers and Prohibited Transaction Exemption 75–1, Exemptions from Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks, Parts I and II;

B. Prohibited Transaction Exemption 75–1, Exemptions from Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks, Parts III and IV;

C. Prohibited Transaction Exemption 77–4, Class Exemption for Certain Transactions Between Investment Companies and Employee Benefit Plans;

D. Prohibited Transaction Exemption 80–83, Class Exemption for Certain Transactions Involving Purchase of Securities Where Issuer May Use Proceeds to Reduce or Retire Indebtedness to Parties in Interest; and

E. Prohibited Transaction Exemption 83–1 Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts.

F. Prohibited Transaction Exemption 75–1, Exemptions from Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks, Part V.

List of Subjects in 29 CFR Parts 2510

Employee benefit plans, Exemptions, Fiduciaries, Investments, Pensions, Prohibited transactions, Reporting and recordkeeping requirements, Securities.

For the reasons set forth above, the Department amends part 2510 of subchapter B of chapter XXV of title 29 of the Code of Federal Regulations as follows:

SUBCHAPTER B—DEFINITIONS AND COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2510—DEFINITIONS OF TERMS USED IN SUBCHAPTERS C, D, E, F, G, AND L OF THIS CHAPTER

■ 1. The authority citation for part 2510 is revised to read as follows:

Authority: 29 U.S.C. 1002(2), 1002(21), 1002(37), 1002(38), 1002(40), 1031, and 1135; Secretary of Labor's Order No. 1–2011, 77 FR 1088 (Jan. 9, 2012); Secs. 2510.3–21, 2510.3–101 and 2510.3–102 also issued under sec. 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. at 237 (2012), E.O. 12108, 44 FR 1065 (Jan. 3, 1979) and 29 U.S.C. 1135 note. Sec. 2510.3–38 is also issued under sec. 1, Pub. L. 105–72, 111 Stat. 1457 (1997).

§ 2510.3–21 [Amended]

■ 2. Section 2510.3–21 is amended in paragraphs (h)(2), (j)(1) introductory text, and (j)(3) by removing the date ''April 10, 2017'' and adding in its place ''June 9, 2017''.

Signed at Washington, DC, this 3rd day of April, 2017.

Timothy D. Hauser,

Deputy Assistant Secretary for Program Operations, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2017–06914 Filed 4–4–17; 4:15 pm]

BILLING CODE 4510–29–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0270]

Drawbridge Operation Regulation; Cerritos Channel, Long Beach, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Henry Ford Avenue railroad bridge across Cerritos Channel, mile 4.8 at Long Beach, CA. The deviation is necessary to allow the bridge owner to replace the operating machinery of the bridge. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 6 a.m. on April 24, 2017 to 6:30 p.m. on May 27, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0270], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–

437–3516; email *David.H.Sulouff@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Port of Los Angeles has requested a temporary change to the operation of the Henry Ford Avenue railroad bridge, mile 4.8, over Cerritos Channel, at Long Beach, CA. The drawbridge navigation span provides a vertical clearance of 6 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.147(b). Navigation on the waterway is commercial, search and rescue, law enforcement, and recreational.

The drawspan will be secured in the closed-to-navigation position from 6 a.m. on April 24, 2017 to 6:30 p.m. on May 27, 2017, to allow the bridge owner to replace the operating machinery. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies with between 4 to 24 hours advance notice. Los Angeles Harbor can be used as an alternate route for vessels. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: April 4, 2017.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2017–06993 Filed 4–6–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0845; FRL–9960–49–Region 5]

Air Plan Approval; Michigan; Part 9 Miscellaneous Rules; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: The Environmental Protection Agency (EPA) published a final rule in the **Federal Register** on December 19, 2016, approving a state request to EPA to make minor administrative revisions to rules in the Michigan State Implementation Plan entitled ''Emissions Limitations and Prohibitions—Miscellaneous.'' An error in the amendatory instruction is identified and corrected in this action.

DATES: This final rule is effective on April 7, 2017.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328, *panos.christos@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA published a direct final rule document on December 19, 2016, (81 FR 91839) approving revisions to Michigan rules in Chapter 336, Part 9, submitted by the State on December 21, 2015. In this approval EPA identified in the amendatory instructions that we were revising the entries for R 336.1906, R 336.1911, and R 336.1912. However, in the CFR the entries are listed as R 339.1906, R 339.1911, and R 336.1912. Therefore, the amendatory instruction is being corrected to reflect the correct CFR reference.

Correction

In the direct final rule published in the **Federal Register** on December 19, 2016, (81 FR 91839), on page 91840, third column, in amendatory instruction 2, in the third line, and in the table at the top of page 91841, the entries for ''R 336.1906'' and ''R 336.1911'' are corrected to read: ''R 339.1906'' and ''R 339.1911'' respectively.

Dated: March 14, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1170, the table in paragraph (c) is amended by revising the entries for R 339.1906, R 339.1911, and R 336.1912 under the heading ''Part 9. Emission Limitations and Prohibitions—Miscellaneous'' to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MICHIGAN REGULATIONS

Michigan citation	Title	State effective date	EPA approval date	Comments
*	*	*	*	*
Part 9. Emission Limitations and Prohibitions—Miscellaneous				
*	*	*	*	*
R 339.1906	Diluting and concealing emissions	5/20/15	12/19/2016, 81 FR 91839.	
*	*	*	*	*
R 339.1911	Malfunction abatement plans	5/20/15	12/19/2016, 81 FR 91839.	
R 336.1912	Abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment, operating, notification, and reporting requirements.	5/20/15	12/19/2016, 81 FR 91839.	
*	*	*	*	*

[FR Doc. 2017–06896 Filed 4–6–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0192; FRL–9960–97–Region 4]

Air Quality Plan; Florida; Infrastructure Requirements for the 2012 $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the State Implementation Plan (SIP) submission, submitted by the State of Florida, through the Florida Department of Environmental Protection (FDEP), on December 14, 2015, to demonstrate that the State meets the infrastructure requirements of the Clean Air Act (CAA or Act) for the 2012 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure SIP submission.'' FDEP certified that the Florida SIP contains provisions that ensure the 2012 Annual $PM_{2.5}$ NAAQS is implemented, enforced, and maintained in Florida. EPA has determined that portions of Florida's SIP satisfy certain required infrastructure elements for the 2012 Annual $PM_{2.5}$ NAAQS.

DATES: This rule is effective May 8, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2016–0192. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bell can be reached via electronic mail at *bell.tiereny@epa.gov* or via telephone at (404) 562–9088.

SUPPLEMENTARY INFORMATION:

I. Background and Overview

On December 14, 2012, EPA promulgated a revised primary annual $PM_{2.5}$ NAAQS. The standard was strengthened from 15.0 micrograms per cubic meter ($\mu g/m^3$) to 12.0 $\mu g/m^3$. *See* 78 FR 3086 (January 15, 2013). Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. States were required to submit such SIPs for the 2012 Annual $PM_{2.5}$ NAAQS to EPA no later than December 14, 2015.[1]

In a proposed rulemaking published on August 1, 2016 (81 FR 50416), EPA proposed to approve portions of Florida's December 14, 2015, SIP submission for the 2012 Annual $PM_{2.5}$ NAAQS. The details of Florida's submission and the rationale for EPA's actions for this final rule are explained in the August 1, 2016, proposed rulemaking. Comments on the proposed rulemaking were due on or before August 31, 2016. EPA received no adverse comments.

II. Final Action

EPA is taking final action to approve Florida's infrastructure submissions submitted on December 14, 2015, for the 2012 Annual $PM_{2.5}$ NAAQS for the infrastructure SIP requirements, with the exception of the interstate transport requirements of section 110(a)(2)(D)(i)(I) (prongs 1 and 2). EPA notes that the Agency is not approving any specific rule, but rather approving that Florida's already approved SIP meets certain CAA requirements. With respect to the interstate transport requirements of section 110(a)(2)(D)(i)(I) (prongs 1 and 2), EPA will consider these requirements in relation to Florida's 2012 Annual $PM_{2.5}$ NAAQS infrastructure submission in a separate rulemaking. EPA is taking final action to approve all other elements of Florida's infrastructure SIP submissions for the 2012 Annual $PM_{2.5}$ NAAQS because the submission is consistent with section 110 of the CAA.

III. Statutory and Executive Order Reviews

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

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

[1] In these infrastructure SIP submissions states generally certify evidence of compliance with sections 110(a)(1) and (2) of the CAA through a combination of state regulations and statutes, some of which have been incorporated into the federally-approved SIP. In addition, certain federally-approved, non-SIP regulations may also be appropriate for demonstrating compliance with sections 110(a)(1) and (2). Florida's existing SIP consists largely of Florida Administrative Code (F.A.C.) rules adopted by FDEP and approved by EPA through the SIP revision process. However, there are some F.A.C. state regulations that are not part of the Florida federally-approved SIP. Throughout this rulemaking, unless otherwise indicated, the term ''F.A.C.'', ''Rule'', or ''Chapter'' indicate that the cited regulation has been approved into Florida's federally-approved SIP. The term ''Florida Statutes'' indicates cited Florida state statutes, which are not a part of the SIP unless otherwise indicated.

affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

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

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

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

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: March 15, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart K—Florida

■ 2. In § 52.520, the table in paragraph (e) is amended by adding the entry ''110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS'' at the end of the table to read as follows:

§ 52.520 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED FLORIDA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** notice	Explanation
* *	*	*	*	* *
110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS.	10/15/2015	4/7/2017	[Insert **Federal Register** citation].	With the exception of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 and 2).

[FR Doc. 2017–06885 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0844; FRL–9960–88–Region 5]

Air Plan Approval; Minnesota; Sulfur Dioxide Limits for Saint Paul Park Refining Co. LLC Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a site-specific state implementation plan (SIP) revision in Washington County, Minnesota, for Saint Paul Park Refining Co. LLC (Saint Paul Park). This revision includes changes to the ownership and facility name, removal of the ability to burn refinery oil, addition of a new unit, and updates to the modeling parameters for the facility. EPA is approving the SIP revision because it meets Clean Air Act (CAA) section 110(l) requirements.

DATES: This direct final rule will be effective June 6, 2017, unless EPA receives adverse comments by May 8, 2017. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0844 at *http://www.regulations.gov* or via email to *blakley.pamela@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the

official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@epa.gov.*

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

I. What is the background for this revision?
II. How is the SIP being revised?
III. What is EPA's analysis?
IV. What action is EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is the background for this revision?

Saint Paul Park operates a petroleum refinery in Washington County, Minnesota. The refinery processes crude oil into various products such as gasoline, diesel fuel, distillate oils, asphalt, and sulfur. Saint Paul Park is in the Minneapolis-Saint Paul, Minnesota sulfur dioxide (SO_2) maintenance area. This area was designated as nonattainment for the SO_2 National Ambient Air Quality Standard (NAAQS) on March 3,1978 (43 FR 8962). EPA redesignated the area in 1997 to attainment of the SO_2 NAAQS, making it a maintenance area (May 13, 1997, 62 FR 26230).

EPA previously approved the joint Title I/Title V document (permit number 16300003–016) as a SIP revision on December 28, 2010 (75 FR 81471)

On December 17, 2015, Minnesota submitted to EPA the joint Title I/Title V document (permit number 16300003–021), effective on November 25, 2015, as a revision to its SIP.

On January 13, 2017, Minnesota submitted a revised air dispersion modeling analysis for Saint Paul Park. The modeling analysis provides insight into the expected air quality impacts that result from the revisions at this facility.

II. How is the SIP being revised?

The SIP modifications for Saint Paul Park consist of: (1) An update to the facility ownership and name, (2) restricting five combustion units to burning only natural gas or refinery gas by removing their ability to burn refinery oil, (3) an update of the modeling parameters for the facility, and (4) the addition of a new unit, the solvent deasphalting unit (EQUI 323).

First, the facility was previously listed in the Minnesota SIP as Marathon Petroleum Company, LLC, and has since changed its name to Saint Paul Park Refining Co. LLC. The facility is an indirect, wholly-owned subsidiary of Northern Tier Energy, LP.

Second, EPA is approving the removal of Saint Paul Park's ability to combust refinery oil. The five units that previously could use refinery oil are now restricted to using refinery gas or natural gas. Specifically, this applies to the numbered equipment (EQUI) 1, EQUI 3, EQUI 6, EQUI 13, and EQUI 15 units. The SO_2 emission limits in the SIP for the five units were reduced to reflect the potential to emit when using refinery gas. The revised SO_2 limits in pounds per hour (lb/hr), as a 3-hour rolling average, are as follows:

- Alkylation Isostripper Reboiler (EQUI 1) reduced from 64.08 lb/hr to 1.44 lb/hr.
- No. 2 Crude Vacuum Heater (EQUI 3) from 48.60 lb/hr to 2.62 lb/hr.
- No. 1 Crude Charge Heater (EQUI 6) from 52.20 lb/hr to 2.83 lb/hr.
- Hot Oil Heater (EQUI 13) from 76.50 lb/hr to 2.62 lb/hr.
- SGP Dehexanizer Reboiler (EQUI 15) from 36.0 lb/hr to 1.60 lb/hr.

Revisions to the SO_2 limits also removed the pounds SO_2 per million British thermal units (lbs-SO_2/MMBTU) limitations for all applicable Saint Paul Park units because they were redundant. The lbs-SO_2/MMBTU emission limits came from its potential to emit SO_2 from the hydrogen sulfide (H_2S) in the fuel. Thus, the existing H_2S concentration limit caps emissions making a revised lbs-SO_2/MMBTU limit unnecessary.

Third, EPA is approving updated modeling parameters for Saint Paul Park because removing the ability to burn refinery oil changes plume dispersion characteristics. Also, Boilers 7 and 8 (EQUI 42 and EQUI 43) are more efficient than presumed in the modeled design, meaning there is less waste heat resulting in lower stack gas temperatures than expected. Thus, the modeling parameters for Saint Paul Park have been revised.

Finally, the SIP request for permit number 16300003–021 allows for the installation of a solvent deasphalting unit, which includes a heater (EQUI 323) fired by refinery gas or natural gas. This unit is the only new SO_2 source, which has a potential to emit of 0.80 lb SO_2/hr.

III. What is EPA's analysis?

The SO_2 emission limitations being approved result in a decrease of 1699.59 tons per year, which includes the installation of a solvent deasphalting unit. That is a more than 25 percent reduction in SO_2 emission limitations from 5697.59 to 3998.00 tons per year (permit number 16300003–016 to 16300003–021).

The modeling analysis Minnesota provided shows the area expects to continue to meet the SO_2 NAAQS with the revisions being approved. The modeling analysis shows the Minneapolis-Saint Paul maintenance area expects to continue to meet the SO_2 NAAQS. That result is logical, given the net emissions reduction of the revisions being approved at Saint Paul Park.

The updated modeling parameters in the permit were also revised to better reflect the current operating conditions at Saint Paul Park. Minnesota will use the updated modeling parameters to improve the accuracy of future modeling.

IV. What action is EPA taking?

EPA is approving revisions to the SO_2 limitations at Saint Paul Park in Washington County, Minnesota, because they meet CAA section 110(l) requirements. EPA is approving into the Minnesota SIP the portions of the joint Title I/Title V document (permit number 16300003–021), cited as ''Title I Condition: 40 CFR 50.4(SO_2 SIP), Title I Condition: 40 CFR pt. 52, subp. Y.'' This approval replaces the conditions of Permit Number 16300003–016 as approved on December 28, 2010 into the Minnesota SIP. 75 FR 81471.

The revisions include changes to the ownership and facility name, removal of the ability to burn refinery oil, addition of a new unit, and updates to the modeling parameters for the facility. These revisions are expected to reduce potential SO_2 emissions from Saint Paul Park by more than 25 percent.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective June 6, 2017 without further

notice unless we receive relevant adverse written comments by May 8, 2017. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective June 6, 2017.

V. Incorporation by Reference

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

VI. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: March 22, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1220, the table in paragraph (d) is amended by removing the entry for ''Marathon Petroleum, LLC'' and adding in alphabetical order an entry for ''Saint Paul Park Refining Co., LLC''.

The addition reads as follows:

§ 52.1220 Identification of plan.

* * * * *

(d) * * *

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

EPA-APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
*	*	*	*	* * *
Saint Paul Park Refining Co., LLC.	16300003–021	11/25/2015	4/7/2017, [Insert **Federal Register** citation].	Only conditions cited as ''Title I Condition: 40 CFR 50.4 (SO_2 SIP), Title I Condition: 40 CFR pt. 52, subp. Y''
*	*	*	*	* * *

* * * * *

[FR Doc. 2017–06881 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2014–0428; FRL–9960–95–Region 4]

Air Plan Approval; NC; Infrastructure Requirements for the 2012 $PM_{2.5}$ National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve portions of the State Implementation Plan (SIP) submission, submitted by the State of North Carolina, through the Department of Environmental Quality (DEQ), on December 4, 2015, for inclusion into the North Carolina SIP, to demonstrate that the State meets the infrastructure requirements of the Clean Air Act (CAA or Act) for the 2012 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure SIP submission.'' DEQ certified that the North Carolina SIP contains provisions that ensure the 2012 Annual $PM_{2.5}$ NAAQS is implemented, enforced, and maintained in North Carolina. EPA has determined that portions of North Carolina's SIP satisfies certain required infrastructure elements for the 2012 Annual $PM_{2.5}$ NAAQS.

DATES: This rule will be effective May 8, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2014–0428. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bell can be reached via electronic mail at *bell.tiereny@epa.gov* or via telephone at (404) 562–9088.

SUPPLEMENTARY INFORMATION:

I. Background and Overview

On December 14, 2012, EPA promulgated a revised primary annual $PM_{2.5}$ NAAQS. The standard was strengthened from 15.0 micrograms per cubic meter ($\mu g/m^3$) to 12.0 $\mu g/m^3$. *See* 78 FR 3086 (January 15, 2013). Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. States were required to submit such SIPs for the 2012 Annual $PM_{2.5}$ NAAQS to EPA no later than December 14, 2015.

In a proposed rulemaking published on July 21, 2016 (81 FR 47314), EPA proposed to approve portions of North Carolina's December 4, 2015, SIP submission for the 2012 Annual $PM_{2.5}$ NAAQS with the exception of the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4) and preconstruction prevention of significant deterioration (PSD) permitting requirements for major sources of section 110(a)(2)(C) and (J). On September 14, 2016 (81 FR 63107), EPA finalized approval in part and disapproval in part of North Carolina's December 4, 2015, infrastructure SIP submission regarding the PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i), and (J) for the 2012 Annual $PM_{2.5}$ NAAQS. Additionally, on June 3, 2016, EPA finalized a rule related to the prong 4 element of North Carolina's December 4, 2015, SIP submission for the 2012 Annual $PM_{2.5}$ NAAQS. *See* 81 FR 35634. Therefore, EPA is not taking final action pertaining to sections 110(a)(2)(C), prongs 3 and 4 of D(i) and (J) for North Carolina for the 2012 Annual $PM_{2.5}$ NAAQS in this action. With respect to the interstate transport requirements of section 110(a)(2)(D)(i)(I) (prongs 1 and 2), EPA will consider these requirements in relation to North Carolina's 2012 Annual $PM_{2.5}$ NAAQS infrastructure submission in a separate rulemaking. The details of North Carolina's submission and the rationale for EPA's actions for this final rule are explained in the July 21, 2016, proposed rulemaking. Comments on the proposed rulemaking were due on or before August 22, 2016. EPA received no comments, adverse or otherwise.

II. Final Action

EPA is taking final action to approve North Carolina's infrastructure

submission submitted on December 4, 2015, for the 2012 Annual $PM_{2.5}$ NAAQS for the infrastructure SIP requirements, with the exception of the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4) and preconstruction PSD permitting requirements for major sources of section 110(a)(2)(C) and (J). EPA is taking final action to approve all other elements of North Carolina's infrastructure SIP submission for the 2012 Annual $PM_{2.5}$ NAAQS because the submission is consistent with section 110 of the CAA. EPA notes that the Agency is not approving any specific rule, but rather approving that North Carolina's already approved SIP meets certain CAA requirements.

III. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: March 15, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart II—North Carolina

■ 2. Section 52.1770(e) is amended by adding a new entry ''110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS'' at the end of the table to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** notice	Explanation
* *	*	*	*	* *
110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS.	12/4/2015	4/7/2017	[Insert citation of publication].	With the exception of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4) and the PSD requirements of section 110(a)(2)(C) and (J).

[FR Doc. 2017–06879 Filed 4–6–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0328; FRL–9960–78–Region 5]

Air Plan Approval; Indiana; Emissions Statements Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the emissions statements rule in the Indiana State Implementation Plan (SIP). These revisions extend Indiana's emissions statements regulations to Lawrenceburg Township, Dearborn County, in order to comply with Clean Air Act (CAA) requirements for the 2008 ozone National Ambient Air Quality Standards (NAAQS). These revisions also include minor formatting changes. The Indiana Department of Environmental Management (IDEM) submitted these revisions to EPA on November 18, 2016. EPA proposed to approve them on December 27, 2016, and received one public comment in response, which expressed support for EPA's action.

DATES: This final rule is effective on May 8, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0328. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Eric Svingen, Environmental Engineer, at (312) 353–4489 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4489, *svingen.eric@epa.gov.*

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

I. What is being addressed in this document?
II. What comments did we receive on the proposed rule?
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. What is being addressed in this document?

In this rule, EPA takes final action on the submission from IDEM, dated November 18, 2016, requesting that EPA approve revisions to 326 IAC 2–6 (''Emission Reporting'') into Indiana's SIP. Specifically, IDEM has requested that EPA approve into the SIP a change to the applicability section at 326 IAC 2–6–1 that extends the emissions statements rule to Lawrenceburg Township, Dearborn County. The revised rule also contains minor formatting changes that clarify references to related rules.

IDEM made this submission to satisfy requirements under Section 182(a)(3)(B) of the CAA, which mandates that each state submit a revision to its SIP to require that the owners or operators of applicable stationary sources of nitrogen oxides (NO_X) or volatile organic compounds (VOCs) in ozone nonattainment areas provide annual emissions statements. This requirement applies in all ozone nonattainment areas to any source emitting at least 25 tons per year of VOCs or NO_X. On May 21, 2012, EPA designated the portion of Dearborn County that is within Lawrenceburg Township as a nonattainment area for the 2008 ozone NAAQS (77 FR 30088). IDEM's submission addresses Indiana's obligation under Section 182(a)(3)(B) of the CAA to submit a SIP revision applying emissions statements requirements to Lawrenceburg Township. The background for today's action is discussed in more detail in EPA's proposal, dated December 27, 2016 (81 FR 95080).

II. What comments did we receive on the proposed rule?

EPA provided a 30-day review and comment period for the December 27, 2016, proposed rule. The comment period ended on January 26, 2017. We received one comment on the proposed rule, which expressed support for these revisions. The commenter wrote that this rule ''strengthens policy that seeks to protect and maintain air quality under standards that are stringent and necessary for [maintaining] the health of the citizenry.''

III. What action is EPA taking?

EPA is approving into Indiana's SIP the revisions to 326 IAC 2–6–1 submitted to EPA on November 18, 2016.

IV. Incorporation by Reference

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

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions

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

of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 17, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770, the table in paragraph (c) is amended by revising the entry for ''2–6–1'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Comments
Article 2. Permit Review Rules				
*	*	*	*	*
Rule 6. Emission Reporting				
2–6–1	Applicability	11/20/2016	4/7/2017, [insert **Federal Register** citation]	
*	*	*	*	*

* * * * *

[FR Doc. 2017–06887 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0575; FRL–9960–57–Region 4]

Air Plan Approval; Tennessee: Reasonable Measures Required

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is taking direct final action to approve a State Implementation Plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on March 25, 1999. The SIP submittal includes a change to the TDEC regulation ''Reasonable Measures Required.'' EPA is proposing to approve this SIP revision because it is consistent with the Clean Air Act (CAA or Act) and federal regulations governing SIPs.

DATES: This direct final rule is effective June 6, 2017 without further notice, unless EPA receives adverse comment by May 8, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2016–0575 at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 and via electronic mail at *akers.brad@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On March 25, 1999, TDEC submitted a change to the Tennessee rules to EPA for approval and incorporation into the Tennessee SIP. Specifically, the submittal includes a change to remove a portion of text from Tennessee Air Pollution Control Regulation (TAPCR) Rule 1200–3–20–.02, ''Reasonable Measures Required,'' at paragraph (1). Existing paragraph (1) covers measures that air contaminant sources must take during periods of startup and shutdown and the treatment of equipment failures that are not considered to be malfunctions. This provision was originally submitted by TDEC as part of Chapter 1200–3–20, ''Limits on Emissions Due to Malfunctions, Start-ups, and Shutdowns'' on February 13, 1979, and approved by EPA on February 6, 1980 (45 FR 8004).[1]

II. Analysis of State's Submittal

The current SIP-approved version of TAPCR 1200–3–20–.02 provides, in part, that for sources that are in or are significantly affecting a nonattainment area, ''failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions, and shall be considered in violation of the emission standard exceeded and this rule.'' The March 25, 1999, submittal modifies the treatment of those equipment failures that are not considered malfunctions by removing the statement that such failures ''shall be considered in violation of the emission standard exceeded and this rule.'' [2] This rule change simply eliminates language indicating that a source which experiences an equipment failure is automatically in violation of applicable emission standards and the Tennessee rule. EPA believes this change is appropriate because an instance of equipment failure does not always result in an exceedance of an emission standard. In addition, EPA notes that, in accordance with TAPCR 1200–3–13–.01, any preventable failure to properly operate control equipment may still be in violation of emission control requirements contained in specific emission standards of the Tennessee SIP.

This SIP revision does not provide an exemption for any applicable emission standards, nor does it modify any applicable requirements for air contaminant sources. With this change, all applicable emission standards will continue to apply during all times. EPA is approving this revision because it is consistent with the CAA.

III. Start Up, Shutdown, and Malfunction (SSM) SIP Call Considerations

In this action, EPA is not approving or disapproving revisions to any existing pollutant emission limitations that apply during periods of startup, shutdown and malfunction. EPA notes that on June 12, 2015, the Agency published a formal finding that a number of states, including Tennessee, have SIPs with SSM provisions that are contrary to the CAA and existing EPA guidance. *See* 80 FR 33840. Accordingly, EPA issued a formal ''SIP call'' requiring the affected states to make a SIP submission to correct the SSM regulations identified by EPA as being deficient. *Id.* In that final action, EPA determined that TAPCR Chapters 1200–3–20 and 1200–3–5 have provisions that are contrary to the CAA, specifically TAPCR 1200–3–20–.07(1), 1200–3–20–.07(3) and 1200–3–5–.02(1). This direct final action only removes language from 1200–3–20–.02(1) indicating that an equipment failure that does not qualify as a malfunction is an automatic violation. Therefore, this final action does not impact the provisions of the Tennessee regulations implicated in the SSM SIP call and has no effect on EPA's June 12, 2015, finding of inadequacy regarding Tennessee's SIP.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of TAPCR 1200–3–20–.02(1), entitled ''Reasonable Measures Required,'' effective November 11, 1997, which removed a statement that preventable failures of process or control equipment were presumptively in violation of applicable emission standards and the rule. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[3] EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Final Action

EPA is approving a change to the Tennessee SIP at TAPCR 1200–3–20–.02, submitted March 25, 1999, because

[1] The current SIP-approved version of paragraph (1) of Chapter 1200–3–20–.02 is the version that became state-effective on February 13, 1977. 40 CFR 52.2220(c).

[2] The provision at TAPCR 1200–3–20–.02(1) in the March 25, 1999, submittal does not include the phrase ''[f]or sources identified in Chapter 1200–3–19, or by a permit condition or an order issued by the Board or by the Technical Secretary as being in or significantly affecting a nonattainment area,'' which is currently approved into the SIP. However, EPA is processing only the revision presented in the March 25, 1999, submittal, as discussed in Section II.

[3] 62 FR 27968 (May 22, 1997).

it is consistent with the CAA and federal regulations. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective June 6, 2017 without further notice unless the Agency receives adverse comments by May 8, 2017.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 6, 2017 and no further action will be taken on the proposed rule.

VI. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: March 15, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart RR—Tennessee

■ 2. In § 52.2220, table 1 in paragraph (c) is amended by revising the entry for ''1200–3–20–.02'' to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
* * *	* * *	*	* *	*
CHAPTER 1200–3–20 LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, START-UPS, AND SHUTDOWNS				
* * *	* * *	*	* *	*
1200–3–20–.02	Reasonable Measures Required ...	11/11/1997	4/7/2017, [insert **Federal Register** citation].	
* * *	* * *	*	* *	*

* * * * *

[FR Doc. 2017–06877 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2014–0429; FRL–9960–92–Region 4]

Air Plan Approval; SC; Infrastructure Requirements for the 2012 $PM_{2.5}$ National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve portions of the State Implementation Plan (SIP) submission, submitted by the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SC DHEC), on December 18, 2015, to demonstrate that the State meets the infrastructure requirements of the Clean Air Act (CAA or Act) for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure'' SIP. SC DHEC certified that the South Carolina SIP contains provisions that ensure the 2012 Annual $PM_{2.5}$ NAAQS is implemented, enforced, and maintained in South Carolina. EPA has determined that portions of South Carolina's SIP satisfy certain required infrastructure elements for the 2012 Annual $PM_{2.5}$ NAAQS.

DATES: This rule is effective May 8, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2014–0429. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bell can be reached via electronic mail at *bell.tiereny@epa.gov* or via telephone at (404) 562–9088.

SUPPLEMENTARY INFORMATION:

I. Background and Overview

On December 14, 2012 (78 FR 3086, January 15, 2013), EPA promulgated a revised primary annual $PM_{2.5}$ NAAQS. The standard was strengthened from 15.0 micrograms per cubic meter (μg/m^3) to 12.0 μg/m^3. Pursuant to section 110(a)(1) of the CAA, States are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. States were required to submit such SIPs for the 2012 Annual $PM_{2.5}$ NAAQS to EPA no later than December 14, 2015.

In a proposed rulemaking published August 23, 2016 (81 FR 57509), EPA proposed to approve portions of South Carolina's December 18, 2015, SIP submission for the 2012 Annual $PM_{2.5}$ NAAQS, with the exception of the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2, and 4), for which EPA did not propose any action. On August 22, 2016 (81 FR 56512) EPA conditionally approved South Carolina's December 18, 2015, infrastructure SIP submission regarding prong 4 of D(i) for the 2012 Annual $PM_{2.5}$ NAAQS. Therefore, EPA is not taking any action today pertaining to prong 4. With respect to the interstate transport requirements of section 110(a)(2)(D)(i)(I) (prongs 1 and 2), EPA will consider these requirements in relation to South Carolina's 2012 Annual $PM_{2.5}$ NAAQS infrastructure submission in a separate rulemaking. The details of South Carolina submission and the rationale for EPA's actions for this final rule are explained in the August 23, 2016, proposed rulemaking. Comments on the proposed rulemaking were due on or before September 22, 2016. EPA did not receive any comments, adverse or otherwise.

II. Final Action

With the exception of the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2, and 4*),* EPA is taking final action to approve South Carolina's infrastructure submission for the 2012 Annual $PM_{2.5}$

NAAQS. EPA notes that the Agency is not approving any specific rule, but rather approving that South Carolina's already approved SIP meets certain CAA requirements. EPA is taking final action to approve portions of South Carolina's infrastructure SIP submission for the 2012 Annual $PM_{2.5}$ NAAQS because it is consistent with section 110 of the CAA.

III. Statutory and Executive Order Reviews

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

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

In addition, this proposed action for the state of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). The Catawba Indian Nation Reservation is located within the State of South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, South Carolina statute 27–16–120, ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' However, EPA has determined that this rule does not have substantial direct effects on an Indian Tribe because this action is not approving any specific rule, but rather approving that South Carolina's already approved SIP meets certain CAA requirements. EPA notes this action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: March 15, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart PP—South Carolina

■ 2. Section 52.2120(e) is amended by adding an entry for ''110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS'' at the end of the table to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED SOUTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** notice	Explanation
* *	*	*	*	* *
110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS.	12/14/2015	04/07/2017	[Insert citation of publication].	With the exception of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2 and 4).

[FR Doc. 2017–06898 Filed 4–6–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0781; FRL–9960–96-Region 5]

Air Plan Approval; Ohio; Removal of Gasoline Volatility Requirements in the Cincinnati and Dayton Areas; Update on the Boutique Fuel List for Illinois and Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Ohio Environmental Protection Agency (Ohio EPA) on December 19, 2016, concerning the state's gasoline volatility standards in the Cincinnati and Dayton areas. The revision removes the 7.8 pounds per square inch (psi) low Reid Vapor Pressure (RVP) fuel requirements for the two areas as a component of the Ohio ozone SIP. The submittal also includes a section 110(l) demonstration as required by the Clean Air Act (CAA) that addresses emissions impacts associated with the removal of the program. EPA proposed to approve the state's submittal on February 15, 2017.

DATES: This final rule is effective on April 7, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0781. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Mobile Source Program Manager, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. What is being addressed by this document?

On February 15, 2017, at 82 FR 10727, EPA proposed to approve the removal of the 7.8 psi RVP fuel requirements under OAC 3745–72–1 to 8 from the Ohio ozone SIP before the beginning of the 2017 ozone control period. The 7.8 psi RVP fuel requirements specifically apply to gasoline distributed in the Cincinnati and Dayton areas in Ohio.

To support the removal of the 7.8 psi RVP fuel program requirements from the SIP, the revision included amendments of OAC 3745–72–01 (Applicability), as effective on August 1, 2016; a summary of the Ohio-specific analyses using EPA's Motor Vehicle Emissions Simulator (MOVES) model to quantify the emissions impact associated with removing the 7.8 psi RVP fuel program in Cincinnati and Dayton; and a section 110(l) demonstration that includes offset emissions documentation.

II. What comments did we receive on the proposed SIP revision?

Our February 15, 2017, proposed rule provided a 30-day review and comment period. The comment period closed on March 17, 2017. EPA received comments from three parties during the public comment period. One comment was fully supportive of this action. A second comment received was completely outside of the scope of this action and therefore is not being addressed as part of this final action. We are responding to the remaining comments received.

Comment: The commenter asks how the proposed standards compare to the standards of other states. The commenter further asks whether there are other states who have undergone similar changes, and if so what was the long-term effect of such changes.

Response: Information on areas where EPA has approved requests to remove the requirement to use low RVP gasoline from a state SIP, such as the states of Georgia and Illinois, can be found on EPA's Web site at the following location: (*https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure*). It also contains a state-by-state RVP table that lists and compares all current federally required volatility programs, as well as all EPA-approved SIP fuel programs.

Regarding the long-term effect of such changes, any SIP revision submitted to EPA for consideration needs to include a demonstration of non-interference with the National Ambient Air Quality Standards (NAAQS) under section 110(l) of the CAA to ensure that impacts on the NAAQS are considered. Individual rulemakings on each action are published in the **Federal Register** and would contain specific emissions impacts for each of the situations.

Comment: The commenter is seeking EPA's concurrence that the unused emission reduction credits outlined in our action and generated in the greater Cincinnati, Ohio area can be used to satisfy the emission reductions that must be shown to demonstrate noninterference as part of a future SIP revision removing Reformulated Gasoline requirements in northern Kentucky.

Response: EPA is not taking a position on the use of credits in a future action since such issue is outside the scope of this action. Any subsequent use of emission reduction credits outlined in our action should be coordinated between Ohio and Kentucky when a request to adjust requirements is made.

III. What action is EPA taking?

EPA is approving a SIP revision submitted by Ohio EPA on December 19, 2016, removing the state's 7.8 psi RVP fuel requirement for gasoline distributed in the Cincinnati and Dayton areas. The SIP revision also includes a section 110(l) demonstration that uses emissions credits from industrial facilities that have shut down or permanently reduced emissions in Dayton and Cincinnati to offset potential increases in emissions resulting from removing the state's 7.8 psi RVP fuel requirements. Upon approval of this SIP revision, 3.51 tons per year (tpy) of volatile organic compound (VOC) emissions credits from the Miami Valley Publishing Company facility, 4.86 tpy of VOC from the National Oilwell Varco facility, 40.50 tpy of oxides of nitrogen (NO_X) from the MillerCoors LLC facility and 21.72 tpy of NO_X from the Wright-Patterson Air Force Base facility will be permanently retired. This action is effective on April 7, 2017. EPA is approving Ohio's removal of the 7.8 psi RVP fuel requirement as a component of the Ohio ozone SIP because EPA has found that that removal of the 7.8 psi RVP fuel requirements would not interfere with attainment or maintenance of any of the National Ambient Air Quality Standards in the Cincinnati and Dayton areas and would not interfere with any other applicable requirement of the CAA, and thus, are approvable under CAA section 110(l). EPA also finds that there is good cause for this action to become effective

immediately upon publication. The immediate effective date for this action is authorized under 5 U.S.C. 553(d)(3) which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. RVP control requirements are summer control programs that are generally implemented during the summer ozone season beginning on June 1 at retail gasoline stations. In order to meet the June 1st requirement at retail gasoline stations, upstream fuel distributers need to be able to have compliant RVP fuel available starting on May 1st. Making this rule effective before the beginning of the summer ozone season, will allow the regulated industry to avoid having to address multiple RVP requirements during the 2017 ozone season. For this reason, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

IV. Impacts on the Boutique Fuels List [1]

A. Removal of Gasoline Volatility Requirements in the Cincinnati and Dayton Ozone Areas

As explained at proposal, EPA is required to remove a fuel type from the Boutique Fuels List if it ceases to be included in a SIP. (CAA section 211(c)(4)(C)(v)(III). Ohio's 7.8 psi RVP fuel program that is the subject of this final rule is one of the fuel types on the Boutique Fuels List. EPA has also approved the 7.8 psi RVP fuel type into several states SIPs. On the effective date of this rule, Ohio's 7.8 psi RVP fuel rule will be removed from the approved SIP and we will also remove the entry for Ohio's RVP rule from the boutique fuel list which is available at: *https://www.epa.gov/gasoline-standards/state-fuels.* However, the 7.8 psi RVP fuel type will remain on the boutique fuel list because it continues to be included in several other states SIPs. We will also update the Gasoline Reid Vapor Pressure Web page (*https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure*) on the effective date of this final rule to remove the counties in the Cincinnati and Dayton ozone areas from the list of areas where lower RVP gasoline is required.

B. Removal of Gasoline Volatility Standards Applicable in the Illinois Portion the St. Louis, MO–IL Ozone Area

As previously explained, EPA is required to remove a fuel type from the Boutique Fuels List when it ceases to be included in a SIP. The 7.2 psi RVP fuel type is included on the Boutique Fuels List. (*See* 71 FR 78199). On October 6, 2014, EPA published a direct final rule to remove Illinois' 7.2 psi low RVP regulation from the State's SIP for its portion of the St. Louis, MO–IL ozone area. (*See* 79 FR 60065.) The removal became effective on December 5, 2014.

Illinois was the only state with such a fuel type in its approved SIP. EPA intends to publish a separate notice to remove the 7.2 psi RVP fuel type from the list of boutique fuels.[2] Removal of this fuel type from the list creates room that could allow for a new fuel type to be approved and added to the list. Approval of a new fuel type into a SIP would be subject to certain restrictions as described in the December 28, 2006, **Federal Register** notice that established the list of boutique fuels. (*See* 71 FR 78193).

V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Ohio Regulations described in the proposed amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[3] EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement

[1] On December 28, 2006 EPA published an FR notice establishing the Boutique Fuels List. (*See* 71 FR 78195.)

[2] EPA has previously updated its State Fuels and Gasoline Reid Vapor Pressure Web pages to reflect the removal of the 7.2 psi RVP requirement from the Illinois SIP.

[3] 62 FR 27968 (May 22, 1997).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: March 23, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1870 the table in paragraph (c) is amended under ''Chapter 3745–72 Low Reid Vapor Pressure Fuel Requirements'' by revising the entry for 3745–72–01 ''Applicability'' to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED OHIO REGULATIONS

Ohio citation	Title/subject	Ohio effective date	EPA approval date	Notes
*	*	*	*	*
Chapter 3745–72 Low Reid Vapor Pressure Fuel Requirements				
*	*	*	*	*
3745–72–01	Applicability	8/1/2016	4/7/2017, [Insert **Federal Register** citation]	Only (A) to (C).
*	*	*	*	*

* * * * *

[FR Doc. 2017–06889 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0370; EPA–R05–OAR–2016–0371; FRL–9960–90–Region 5]

Air Plan Approval; Indiana; Base Year Emissions Inventory and Emissions Statement Rule Certification for Lake and Porter Counties for the 2008 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving two State Implementation Plan (SIP) submissions from the Indiana Department of Environmental Management (IDEM), both dated June 15, 2016. The first addresses emissions inventory requirements for the Indiana portion of the Chicago-Naperville, Illinois-Indiana-Wisconsin (IL–IN–WI) ozone nonattainment area under the 2008 ozone National Ambient Air Quality Standard (NAAQS). The Clean Air Act (CAA) requires emissions inventories for all ozone nonattainment areas. The documented emissions inventory included in Indiana's June 15, 2016, submission meets this CAA requirement. The second submission provides Indiana's certification that its existing Emissions Reporting Rule, previously approved by EPA under a prior ozone standard, satisfies the CAA emissions statement rule requirement for Lake and Porter Counties under the 2008 ozone standard.

DATES: This direct final rule will be effective June 6, 2017, unless EPA receives adverse comments by May 8, 2017. If adverse comments are received by EPA, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0370 (Emissions Statement) or by Docket ID No. EPA–R05–OAR–2016–0371 (Emissions Inventory) at *http://www.regulations.gov* or via email to *aburano.douglas@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing

system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, 312–886–1767, *Dagostino.Kathleen@epa.gov.*

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

I. The 2008 Ozone NAAQS Emissions Inventory and Emissions Statement Rule Requirements
II. Indiana's Emissions Inventory
III. Indiana's Emissions Statement Rule Certification
IV. EPA's Evaluation
V. Final Action
VI. Statutory and Executive Order Reviews

I. The 2008 Ozone NAAQS Emissions Inventory and Emissions Statement Rule Requirements

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). See 73 FR 16436 (March 27, 2008). On July 20, 2012, EPA designated nonattainment areas for the 2008 ozone NAAQS (77 FR 30088, May 21, 2012, and 77 FR 34221, June 11, 2012). The Chicago-Naperville, IL–IN–WI area was designated as a marginal nonattainment area for the 2008 ozone NAAQS. The Indiana portion of this ozone nonattainment area consists of Lake and Porter Counties.

A. Emissions Inventories

CAA sections 172(c)(3) and 182(a)(1), 42 U.S.C. 7502(c)(3) and 7511a(a)(1), require states to develop and submit, as SIP revisions, comprehensive, accurate, and complete emissions inventories for all areas designated as nonattainment for the ozone NAAQS. An emissions inventory for ozone is an estimation of actual emissions of air pollutants that contribute to the formation of ozone in an area. Ozone is a gas that is formed by the reaction of Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_X) in the atmosphere in the presence of sunlight (VOC and NO_X are referred to as ozone precursors). Therefore, an emissions inventory for ozone covers the emissions of VOC and NO_X within an ozone nonattainment area. VOC is emitted by many types of pollution sources, including power plants, industrial sources, on-road and off-road mobile sources, smaller stationary sources, collectively referred to as area sources, and biogenic sources.[1] NO_X is primarily emitted by combustion sources, both stationary and mobile.

The emissions inventory provides emissions data for a variety of air quality planning tasks, including establishing baseline emission levels for calculating emission reduction targets needed to attain the NAAQS and for calculating emission reduction targets needed to meet Reasonable Further Progress (RFP) requirements, determining emission inputs for ozone air quality modeling analyses, and tracking emissions over time to determine progress toward achieving air quality and emission reduction goals. As stated above, the CAA requires the states to submit emissions inventories for areas designated as nonattainment for ozone.

For the 2008 ozone NAAQS, EPA has recommended that states use 2011 as a base year for the emissions estimates (78 FR 34178, 34190, June 6, 2013). However, EPA also allows states to submit base year emissions for other years during a recent ozone standard violation period. States are required to submit estimates of VOC and NO_X emissions for four general classes of anthropogenic sources in their emissions inventories: Stationary point sources; area sources; on-road mobile sources; and off-road mobile sources.

B. Emissions Statement Rules

Section 182(a)(3)(B) of the CAA requires states with ozone nonattainment areas to submit revisions to their SIP to require the owner or operator of each major stationary source of NO_X or VOC to provide the state with an annual statement documenting the actual emissions of NO_X and VOC from their source. Under section 182(a)(3)(B)(ii), a state may waive the emissions statement requirement for any class or category of stationary sources which emits less than 25 tons per year of VOC or NO_X if the state, in its base year emissions inventory, provides an inventory of emissions from such class or category of sources. States and EPA have generally interpreted this waiver provision to apply to sources (without specification of a specific source class or source category) emitting less than 25 tons per year of VOC or NO_X.

Many states adopted these emissions statement rules for the 1-hour ozone NAAQS. For these states, EPA is accepting certifications that their previously adopted emissions statement rules remain in place and are adequate to meet the emissions statement rule requirement under the 2008 ozone standard.

II. Indiana's Emissions Inventory

On June 15, 2016, IDEM submitted an ozone redesignation request for Lake and Porter Counties for the 2008 ozone NAAQS. Included in this request was documentation of a 2011 VOC and NO_X base year emissions inventory for Lake and Porter Counties intended to meet the emissions inventory requirement of CAA section 182(a)(1). Preliminary monitoring data for 2016 indicates that the Chicago-Naperville, IL–IN–WI area is violating the 2008 ozone standard with 2014–2016 data. Therefore, EPA is not taking action on the ozone redesignation request portion of this June 15, 2016, submittal at this time. We are, however, proceeding with rulemaking on the base year VOC and NO_X emissions inventory portion of the submittal.

Table 1 summarizes the 2011 VOC and NO_X emissions for Lake and Porter Counties in units of tons of emissions per ozone season[2] day documented in Indiana's submittal.

TABLE 1—LAKE AND PORTER COUNTIES 2011 EMISSIONS INVENTORY

[Tons per ozone season day]

County	Source Category	NO_X	VOC
Lake	Electric Generating Unit (EGU)	24.62	0.44

[1] Biogenic emissions are produced by living organisms and are typically not included in the base year emission inventories, but are considered in ozone modeling analyses, which must consider all emissions in a modeled area.

[2] The ozone season is the portion of the year in which high ozone concentrations may be expected in a given area. For Lake and Porter Counties, the ozone season is March through October.

TABLE 1—LAKE AND PORTER COUNTIES 2011 EMISSIONS INVENTORY—Continued

[Tons per ozone season day]

County	Source Category	NO_X	VOC
Lake	Non-EGU Point Source	43.10	15.39
Lake	Area Source	5.80	12.54
Lake	On-Road Mobile	24.01	8.89
Lake	Non-Road Mobile	8.07	7.55
Porter	EGU	5.53	0.19
Porter	Non-EGU Point Source	23.36	1.68
Porter	Area Source	3.89	5.53
Porter	On-Road Mobile	10.02	3.71
Porter	Non-Road Mobile	4.62	6.64
Totals		153.02	62.56

Indiana estimated emissions for all source categories, except on-road mobile sources, using annual emissions data contained in EPA's 2011 National Emissions Inventory (NEI) database. To document the derivation of these emissions data, IDEM included EPA's ''Technical Support Document (TSD) Preparation of Emissions Inventories for the Version 6.2 2011 Emissions Modeling Platform'' (August 2015) in the June 15, 2016, submittal. The Ozone NAAQS Emissions Modeling Platform (2011v6.2) was used by EPA to collect or estimate emissions data for the 2011 NEI.

For point sources (EGUs and non-EGUs), IDEM calculates and stores emissions data annually in the state's Emissions Inventory Tracking System (EMITS) and annually collects such data through Indiana's Emissions Statement program. The point source data for 2011 were submitted through the Emissions Inventory System (EIS) gateway to the 2011 NEI. The EPA has supplemented the point source data in the 2011 NEI using emissions data from other databases, such as the Clean Air Markets emissions database.

The area source emissions in the 2011 NEI were developed by the EPA, with comments provided by the states.

Non-road mobile source emissions data were developed by the EPA using the National Mobile Inventory Model (NMIM).

On-road mobile source emissions were supplied by the Northwest Indiana Regional Planning Commission (NIRPC) and were developed using EPA's Motor Vehicle Emission Simulator, version 2014 (MOVES2014), emissions model and traffic data provided by the Indiana Department of Transportation (INDOT).

All annual emissions data were temporally allocated to ozone season days using temporal files found in EPA's Modeling Clearinghouse, *http://www3.eap.gov/ttn/chief/emch/index.html.*

It is noted that, in addition to documenting county emissions totals, IDEM has also listed VOC and NO_X emissions by Source Classification Code (SCC) and emissions from specific major source facilities (point sources).

III. Indiana's Emissions Statement Rule Certification

On June 15, 2016, through a separate submittal, IDEM submitted a certification letter confirming that Indiana's existing Emissions Reporting Rule is currently being implemented and is adequate to meet the CAA section 182(a)(3)(B) emissions reporting requirement. IDEM noted that the Emissions Reporting Rule, 326 Indiana Administrative Code (IAC) 2–6, was adopted by Indiana's Air Pollution Control Board (APCB) on December 3, 2003. This rule is part of Indiana's SIP. The rule requires sources located in Lake and Porter Counties that emit either NO_X or VOC equal to or greater than 25 tons per year to annually report their actual emissions to IDEM.

IDEM has certified in its June 15, 2016, letter that 326 IAC 2–6 satisfies CAA section 182(a)(3)(B) emissions reporting requirements for Lake and Porter Counties for the 2008 ozone NAAQS. Included with the certification letter is a copy of rule 326 IAC 2–6.

IV. EPA's Evaluation

A. Emissions Inventory

In accordance with sections 172(c)(3) and 182(a)(1) of the CAA, Indiana's submittal contains a comprehensive, accurate, and current inventory of actual VOC and NO_X emissions for all relevant sources in Lake and Porter Counties. The state documented the general procedures used to estimate the ozone season day emissions for each of the major source categories and for SCCs and point source facilities. IDEM provided detailed model input data used to derive on-road emissions. The documentation of the emissions estimation procedures and data sources has been determined to be adequate.

IDEM has submitted evidence that it provided the public with an opportunity to request a public hearing and to comment on the material contained in the June 15, 2016, submittal. A public hearing was not requested and IDEM received no comments on the submission. Therefore, the state has complied with public notice and review requirements of the CAA.

Based on the adequacy of the emissions inventories documentation and on the evidence that the public has been given an opportunity to comment on the emissions inventories, the base year emissions inventories are approvable.

B. Emissions Statement Rule

EPA approved Indiana's emissions statement rule, 326 IAC 2–6, into the Indiana SIP on March 27, 2007 (72 FR 14678), and it is currently being implemented. The rule requires sources of VOC and NO_X in Lake and Porter Counties to annually report these emissions to the state if the sources emit VOC or NO_X equaling or exceeding 25 tons per year. In addition, it is noted that Indiana typically reports point source emissions to the NEI with source cutoffs well below 25 tons per year, covering VOC and NO_X emissions from sources that are not required to submit annual emissions statements. Therefore, Indiana's rule 326 IAC 2–6 meets the requirements of CAA section 182(a)(3)(B) and is approvable.

V. Final Action

EPA is approving the emissions inventory submitted by Indiana and specified in Table 1 above as meeting the requirements of sections 172(c)(3) and 182(a)(1) of the CAA for Lake and Porter Counties for the 2008 ozone NAAQS. We are also approving Indiana's certification that the state has an emissions statement rule in its SIP for VOC and NO_X stationary sources in

Lake and Porter Counties, in accordance with the CAA section 182(a)(3)(B).

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective June 6, 2017 without further notice unless we receive relevant adverse written comments by May 8, 2017. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that, if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective June 6, 2017.

VI. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 21, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.777 is amended by adding paragraphs (vv) and (ww) to read as follows:

§§ 52.777 Control strategy: photochemical oxidents (hydrocarbons).

* * * * *

(vv) On June 15, 2016, Indiana submitted 2011 volatile organic compounds and oxides of nitrogen emissions inventories for the Indiana portion of the Chicago-Naperville, Illinois-Indiana-Wisconsin nonattainment area for the 2008 ozone national ambient air quality standard as a revision of the Indiana state implementation plan. The documented emissions inventories are approved as a revision of the state's implementation plan.

(ww) On June 15, 2016, Indiana submitted a certification that sources of volatile organic compounds or oxides of nitrogen located in Lake and Porter Counties are required to annually submit statements documenting these emissions to the state. This certification

is approved as a revision to the state's implementation plan.

[FR Doc. 2017–06897 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2016–0479; FRL–9960–82–Region 5]

Air Plan Approval; Ohio; Redesignation of the Ohio Portion of the Cincinnati-Hamilton, OH–IN–KY Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is redesignating the Ohio portion of the Cincinnati-Hamilton, OH–IN–KY, nonattainment area (hereafter, ''the Cincinnati-Hamilton area'') to attainment for the 1997 fine particulate matter ($PM_{2.5}$) annual national ambient air quality standards (NAAQS or standard). The Ohio portion of the Cincinnati-Hamilton area includes Butler, Clermont, Hamilton, and Warren Counties. Because EPA has determined that the Cincinnati-Hamilton area is attaining the annual $PM_{2.5}$ standard, EPA is redesignating the area to attainment and also approving several additional related actions. EPA is approving the Reasonably Available Control Measures (RACM)—Reasonably Available Control Technology (RACT) portion of Ohio's Cincinnati-Hamilton area attainment plan state implementation plan (SIP) revision as providing adequate RACM/RACT. EPA is also approving an update to the Ohio SIP, by updating the state's approved plan for maintaining the 1997 annual $PM_{2.5}$ NAAQS through 2027. EPA previously approved the base year emissions inventory for the Cincinnati-Hamilton area, and is approving Ohio's updated emission inventory which includes emission inventories for volatile organic compounds (VOCs) and ammonia. Ohio's approved maintenance plan submission includes a budget for the mobile source contribution of $PM_{2.5}$ and nitrogen oxides (NO_X) to the Cincinnati-Hamilton area for transportation conformity purposes, which EPA is approving. EPA is taking these actions in accordance with the Clean Air Act (CAA) and EPA's implementation rule regarding the 1997 $PM_{2.5}$ NAAQS.

DATES: This final rule is effective April 7, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0479. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Joseph Ko, Environmental Engineer, at (312) 886–7947 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Joseph Ko, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7947, *ko.joseph@epa.gov.*

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

I. Background
II. Response to Comments
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. Background

On July 22, 2016, Ohio EPA submitted a request to EPA to redesignate the Cincinnati-Hamilton area to attainment for the 1997 $PM_{2.5}$ annual standard, and to approve updates to the maintenance plan for the area. In a notice published on January 4, 2017 (82 FR 792), EPA proposed to redesignate the area and approve several actions related to the redesignation (82 FR 792). Additional background and details regarding this final action can be found in the January 4, 2017, proposed rule.

II. Response to Comments

Comment: EPA received one comment on the proposed redesignation. The commenter supported EPA's proposal to redesignate the Ohio portion of the Cincinnati-Hamilton area.

Response: EPA agrees with the comment, and no changes were made to the final action based on this comment.

III. What action is EPA taking?

EPA is taking several actions related to redesignation of the Cincinnati-Hamilton area to attainment for the 1997 annual $PM_{2.5}$ NAAQS.

EPA has previously approved Ohio's $PM_{2.5}$ maintenance plan and motor vehicle emission budgets for the Cincinnati-Hamilton area. EPA has determined that this plan and budgets are still applicable.

EPA has previously approved the 2005 primary $PM_{2.5}$, NO_X, and SO_2 base year emissions inventory. EPA is approving Ohio's updated emissions inventory which includes emissions inventories for VOCs and ammonia from 2007. EPA has determined that Ohio meets the emissions inventory requirement under section 107(d)(3)(E)(iii).

EPA is approving the RACM/RACT portion of Ohio's prior Cincinnati-Hamilton area attainment plan SIP revision as providing adequate RACM/RACT consistent with the provisions of 40 CFR 51.1010(b), because Ohio has demonstrated with a RACM/RACT analysis that no further control measures would advance the attainment date in the area.

In *The Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements* final rule (final $PM_{2.5}$ SIP requirements rule), EPA revoked the 1997 primary annual $PM_{2.5}$ NAAQS in areas that had always been attainment for that NAAQS, and in areas that had been designated as nonattainment but that were redesignated to attainment before October 24, 2016, the rule's effective date. (*See* 81 FR 58010, August 24, 2016.) EPA also finalized a provision that revokes the 1997 primary annual $PM_{2.5}$ NAAQS in areas that are redesignated to attainment for that NAAQS after October 24, 2016, effective on the effective date of the redesignation of the area to attainment for that NAAQS. (*See* 40 CFR 50.13(d).)

EPA is redesignating the Ohio portion of the Cincinnati-Hamilton area to attainment for the 1997 annual $PM_{2.5}$ NAAQS and approving the CAA section 175A maintenance plan for the 1997 primary annual $PM_{2.5}$ NAAQS for the reasons described elsewhere in the January 4, 2017, proposed action.[1] The

[1] CAA section 175A(a) establishes the requirements that must be fulfilled by nonattainment areas in order to be redesignated to attainment. That section only requires that nonattainment areas for the *primary* standard submit a plan addressing maintenance of the

1997 primary annual $PM_{2.5}$ NAAQS will be revoked in the area on the effective date of this redesignation. Beginning on that date, the area will no longer be subject to transportation or general conformity requirements for the 1997 annual $PM_{2.5}$ NAAQS due to the revocation of the primary NAAQS. (*See* 81 FR 58125, August 24, 2016.) The area will be required to implement the CAA section 175A maintenance plan for the 1997 primary annual $PM_{2.5}$ NAAQS and the PSD program for the 1997 annual $PM_{2.5}$ NAAQS. Once approved, the maintenance plan could only be revised if the revision meets the requirements of CAA section 110(l) and, if applicable, CAA section 193. The area would not be required to submit a second 10-year maintenance plan for the 1997 primary annual $PM_{2.5}$ NAAQS. (*See* 81 FR 58144, August 24, 2016.)

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of planning requirements for this ozone nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

primary NAAQS in order to be redesignated to attainment; it does not require nonattainment areas for secondary NAAQS to submit maintenance plans in order to be redesignated to attainment. (*See* 42 U.S.C. 7505a(a).)

Dated: March 20, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart KK—Ohio

■ 2. Section 52.1880 is amended by revising paragraph (q)(1) and by adding paragraph (v) to read as follows:

§ 52.1880 Control strategy: Particulate matter.

* * * * *

(q) * * *

(1) Ohio's 2005 NO_X, directly emitted $PM_{2.5}$, and SO_2 emissions inventory; and 2007 VOCs and ammonia emissions inventory, satisfy the emission inventory requirements of section 172(c)(3) for the Cincinnati-Hamilton area.

* * * * *

(v) Approval—Ohio's RACM/RACT analysis that was submitted as part of their July 18, 2008, attainment demonstration satisfies the RACM/RACT requirements of section 172(c)(1) for the Cincinnati-Hamilton area.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

■ 4. Section 81.336 is amended by revising the column headings under ''Designation[a]'' for ''Type'' and ''Date[1]'' and by revising the entry for Cincinnati-Hamilton, OH in the table entitled ''Ohio—1997 Annual $PM_{2.5}$ NAAQS'' to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date	Type
* *	*	* *	*	*
Cincinnati-Hamilton, Ohio: ..... Butler County. Clermont County. Hamilton County. Warren County.	April 7, 2017	Attainment..		
* *	*	* *	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.

* * * * *

[FR Doc. 2017–06882 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2016–0135; FRL–9960–79–Region 5]

Air Plan Approval; Indiana; Redesignation of the Indiana Portion of the Cincinnati, Ohio-Kentucky-Indiana Area to Attainment of the 2008 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining that the Cincinnati, Ohio-Kentucky-Indiana area is attaining the 2008 ozone National Ambient Air Quality Standard (NAAQS or standard) and approving a request from the Indiana Department of Environmental Management (IDEM) to redesignate the Indiana portion of the Cincinnati area to attainment for the 2008 ozone NAAQS because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA). The Cincinnati area includes Lawrenceburg Township in Dearborn County, Indiana; Butler, Clermont, Clinton, Hamilton, and Warren Counties in Ohio; and, Boone, Campbell, and Kenton Counties in Kentucky. IDEM submitted this request on February 23, 2016, and supplemented that submittal with a revised emissions inventory on May 4, 2016. EPA is also approving, as a revision to the Indiana State Implementation Plan (SIP), the state's plan for maintaining the 2008 ozone standard through 2030 in the Cincinnati area. Additionally, EPA finds adequate and is approving the states' 2020 and 2030 volatile organic compound (VOC) and oxides of nitrogen (NO_X) Motor Vehicle Emission Budgets (MVEBs) for the Indiana and Ohio portion of the Cincinnati area. Finally, EPA is approving the 2011 base year emissions inventory submitted by IDEM as meeting the base year emissions inventory requirement of the CAA for the Indiana portion of the Cincinnati area.

DATES: This final rule is effective on April 7, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0135. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Eric Svingen, Environmental Engineer, at

(312) 353–4489 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4489, *svingen.eric@epa.gov.*

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

I. What is being addressed in this document?
II. What comments did we receive on the proposed rule?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is being addressed in this document?

This rule takes action on the submission from IDEM, dated February 23, 2016, and supplemented on May 4, 2016, requesting redesignation of the Indiana portion of the Cincinnati area to attainment for the 2008 ozone standard. The background for today's action is discussed in detail in EPA's proposal, dated December 27, 2016 (81 FR 95081). In that rulemaking, we noted that, under EPA regulations at 40 CFR part 50, the 2008 ozone NAAQS is attained in an area when the 3-year average of the annual fourth highest daily maximum 8-hour average concentration is equal to or less than 0.075 parts per million (ppm), when truncated after the thousandth decimal place, at all of the ozone monitoring sites in the area. (*See* 40 CFR 50.15 and appendix P to 40 CFR part 50.) Under the CAA, EPA may redesignate nonattainment areas to attainment if sufficient complete, quality-assured data are available to determine that the area has attained the standard and if it meets the other CAA redesignation requirements in section 107(d)(3)(E). The proposed rule at 81 FR 95081 provides a detailed discussion of how Indiana has met these CAA requirements.

As discussed in the proposal at 81 FR 95081, quality-assured and certified monitoring data for 2013–2015 and preliminary data for 2016 show that the Cincinnati area has attained and continues to attain the 2008 ozone standard. In the maintenance plan submitted for the area, Indiana has demonstrated that the ozone standard will be maintained in the area through 2030. Finally, Indiana and Ohio have adopted 2020 and 2030 VOC and NO_X MVEBs for the Indiana and Ohio portion of the Cincinnati area that are supported by Indiana's maintenance demonstration.

On June 1, 2016, Indiana submitted a separate SIP revision to address emissions statements rules required by CAA section 182(a)(3)(B). EPA proposed approval of that June 1, 2016, submission in a separate proposed rule also published on December 27, 2016 (81 FR 95080). As discussed in the redesignation proposal at 81 FR 95081, emissions statements rules must be SIP-approved on or before the date EPA completes final rulemaking approving redesignation requests. Today, in a separate rule, EPA is finalizing approval of the emissions statements rulemaking. That approval allows EPA to proceed with this redesignation approval.

II. What comments did we receive on the proposed rule?

EPA provided a 30-day review and comment period for the December 27, 2016, proposed rule. The comment period ended on January 26, 2017. We received no comments on the proposed rule.

III. What action is EPA taking?

EPA is determining that the Cincinnati nonattainment area is attaining the 2008 ozone standard, based on quality-assured and certified monitoring data for 2013–2015 and that the Indiana portion of this area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA is thus changing the legal designation of the Indiana portion of the Cincinnati area from nonattainment to attainment for the 2008 ozone standard. EPA is also approving, as a revision to the Indiana SIP, the state's maintenance plan for the area. The maintenance plan is designed to keep the Cincinnati area in attainment of the 2008 ozone NAAQS through 2030. Finally, EPA finds adequate and is approving the newly-established 2020 and 2030 MVEBs for the Indiana and Ohio portion of the Cincinnati area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of planning requirements for this ozone nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 17, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

Parts 52 and 81, chapter I, title 40 of the Code of Federal Regulations are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.777 is amended by adding paragraph (uu) to read as follows:

§ 52.777 Control strategy: photochemical oxidants (hydrocarbons).

* * * * *

(uu) Approval—On February 23, 2016, the Indiana Department of Environmental Management submitted a request to redesignate the Indiana portion of the Cincinnati, OH–KY–IN area to attainment of the 2008 ozone NAAQS. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2020 motor vehicle emissions budgets for the Indiana and Ohio portions of the Cincinnati, OH–KY–IN area are 30.02 tons per summer day (TPSD) for VOC and 30.79 TPSD for NO_X. The 2030 motor vehicle emissions budgets for the Indiana and Ohio portions of the area are 18.22 TPSD for VOC and 16.22 TPSD for NO_X.

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

■ 2. In § 81.315, the table entitled ''Indiana—2008 8-Hour Ozone NAAQS (Primary and secondary)'' is amended by revising the entry for ''Cincinnati, OH–KY–IN:'' to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA—2008 8-HOUR OZONE NAAQS

(Primary and secondary)

Designated area		Designation		Classification	
		Date [1]	Type	Date [1]	Type
*	*	*	*	*	*
Cincinnati, OH–KY–IN: [2]	Dearborn County (part) Lawrenceburg Township.	April 7, 2017	Attainment.		

INDIANA—2008 8-HOUR OZONE NAAQS—Continued

(Primary and secondary)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * *	*	*	*	*

[1] This date is July 20, 2012, unless otherwise noted.
[2] Excludes Indian country located in each area, unless otherwise noted.

* * * * *

[FR Doc. 2017–06886 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2012–0773; FRL–9960–55-Region 4]

Air Plan Approval and Air Quality Designation; KY; Redesignation of the Kentucky Portion of the Louisville 1997 Annual $PM_{2.5}$ Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On March 5, 2012, the Commonwealth of Kentucky, through the Kentucky Energy and Environment Cabinet, Division for Air Quality, submitted a request for the Environmental Protection Agency (EPA) to redesignate the portion of Kentucky that is within the bi-state Louisville, KY–IN fine particulate matter ($PM_{2.5}$) nonattainment area (hereinafter referred to as the ''bi-state Louisville Area'' or ''Area'') to attainment for the 1997 Annual $PM_{2.5}$ national ambient air quality standards (NAAQS) and to approve a state implementation plan (SIP) revision containing a maintenance plan for the Area. EPA is taking final action to approve the Commonwealth's plan for maintaining the 1997 Annual $PM_{2.5}$ NAAQS in the Area, including the motor vehicle emission budgets (MVEBs) for nitrogen oxide (NO_X) and $PM_{2.5}$ for the years 2015 and 2025 for the bi-state Louisville Area, and incorporate it into the SIP, and to redesignate the Kentucky portion of the Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. Additionally, EPA finds the 2025 MVEBs for the bi-state Louisville Area adequate for the purposes of transportation conformity.

DATES: This rule is effective April 7, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0773. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Madolyn Sanchez of the Air Regulatory Management Section, in the Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Madolyn Sanchez may be reached by phone at (404) 562–9644, or via electronic mail at *sanchez.madolyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is the background for the actions?

On July 18, 1997, EPA promulgated the first air quality standards for $PM_{2.5}$. EPA promulgated an annual standard at a level of 15.0 micrograms per cubic meter ($\mu g/m^3$), based on a 3-year average of annual mean $PM_{2.5}$ concentrations. In the same rulemaking, EPA promulgated a 24-hour standard of 65 $\mu g/m^3$, based on a 3-year average of the 98th percentile of 24-hour concentrations. On October 17, 2006 (71 FR 61144), EPA retained the annual average NAAQS at 15.0 $\mu g/m^3$ but revised the 24-hour NAAQS to 35 $\mu g/m^3$, based again on the 3-year average of the 98th percentile of 24-hour concentrations.

On January 5, 2005 (70 FR 944), and supplemented on April 14, 2005 (70 FR 19844), EPA designated the bi-state Louisville Area as nonattainment for the Annual 1997 $PM_{2.5}$ NAAQS. The bi-state Louisville Area consists of Bullitt and Jefferson Counties in Kentucky as well as Clark and Floyd Counties and a portion of Jefferson County (Madison Township) in Indiana.[1] On November 13, 2009 (74 FR 58688), EPA promulgated designations for the 24-hour $PM_{2.5}$ standard established in 2006, designating the bi-state Louisville Area as attainment for that NAAQS. That action clarified that the bi-state Louisville Area was classified unclassifiable/attainment for the 24-hour NAAQS promulgated in 1997. EPA did not promulgate designations for the 2006 Annual $PM_{2.5}$ NAAQS since that NAAQS was essentially identical to the 1997 Annual $PM_{2.5}$ NAAQS.

On March 5, 2012, Kentucky submitted a request to EPA for redesignation of the Kentucky portion of the bi-state Louisville Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS and a related SIP revision containing a maintenance plan for the Area. In a notice of proposed rulemaking (NPRM) published on January 11, 2017 (82 FR 3234), EPA proposed to approve the Commonwealth's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan, including the 2025 MVEBs for NOx and direct $PM_{2.5}$, for the Kentucky portion of the bi-state Louisville Area and incorporate the maintenance plan into the SIP, and to redesignate the Kentucky portion of the bi-state Louisville Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. In that notice, EPA also notified the public of the status of the

[1] In a separate submittal, EPA received the redesignation request and maintenance plan for the Indiana portion of this Area. On September 9, 2016, EPA took final action to determine that the entire bi-state Louisville Area has attained the 1997 $PM_{2.5}$ standard and to approve Indiana's redesignation request and maintenance plan. *See* 81 FR 62390.

Agency's adequacy determination for the NOx and direct $PM_{2.5}$ MVEBs for the Area. No adverse comments were received on the January 11, 2017, proposed rulemaking. The details of Kentucky's submittal and the rationale for EPA's actions are further explained in the NPRM.

II. What are the effect of these actions?

Approval of the redesignation request changes the legal designation of the counties in the Kentucky portion of the bi-state Louisville Area, found at 40 CFR 81.318, from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. Approval of Kentucky's associated SIP revision also incorporates a plan into the SIP for maintaining the 1997 Annual $PM_{2.5}$ NAAQS in the Kentucky portion of the bi-state Louisville Area as described in the NPRM. The maintenance plan also establishes NOx and direct $PM_{2.5}$ MVEBs for 2025 for the Area and includes contingency measures to remedy any future violations of the 1997 Annual $PM_{2.5}$ NAAQS and procedures for evaluation of potential violations. The 2025 NO_X and $PM_{2.5}$ MVEBs are 9,311.76 tons per year (tpy) and 324.04 tpy, respectively, for the Area.

In the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements final rule (final $PM_{2.5}$ SIP requirements rule), EPA revoked the 1997 primary annual $PM_{2.5}$ NAAQS in areas that had always been attainment for that NAAQS, and in areas that had been designated as nonattainment but that were redesignated to attainment before October 24, 2016, the rule's effective date. *See* 81 FR 58010 (August 24, 2016). EPA also finalized a provision that revokes the 1997 primary annual $PM_{2.5}$ NAAQS in areas that are redesignated to attainment for that NAAQS after October 24, 2016, effective on the effective date of the redesignation of the area to attainment for that NAAQS. *See* 40 CFR 50.13(d).

EPA is finalizing the redesignation of the Kentucky portion of the bi-state Louisville Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS and finalizing the approval of the CAA section 175A maintenance plan for the 1997 primary annual $PM_{2.5}$ NAAQS.[2] The 1997 primary annual $PM_{2.5}$ NAAQS will be revoked in the bi-state Louisville Area on the effective date of this redesignation, April 7, 2017. Beginning on that date, the Area will no longer be subject to transportation or general conformity requirements for the 1997 annual $PM_{2.5}$ NAAQS due to the revocation of the primary NAAQS. *See* 81 FR 58125 (August 24, 2016). The Area is required to implement the CAA section 175A maintenance plan for the 1997 primary annual $PM_{2.5}$ NAAQS that is being approved in today's action and the prevention of significant deterioration program for the 1997 annual $PM_{2.5}$ NAAQS. The approved maintenance plan can only be revised if the revision meets the requirements of CAA section 110(l) and, if applicable, CAA section 193. The Area is not required to submit a second 10-year maintenance plan for the 1997 primary annual $PM_{2.5}$ NAAQS. *See* 81 FR 58144 (August 24, 2016).

III. Final Actions

EPA is taking two separate, but related, final actions regarding Kentucky's request to redesignate the Kentucky portion of the bi-state Louisville Area to attainment for the 1997 $PM_{2.5}$ NAAQS and associated SIP revision. First, EPA is approving the maintenance plan for the bi-state Louisville Area, including the NO_X and direct $PM_{2.5}$ MVEBs for 2025, and incorporating the maintenance plan into the Kentucky SIP. Second, EPA is approving Kentucky's redesignation request and redesignating the Kentucky portion of the Area from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. As mentioned above, approval of the redesignation request changes the official designation of the counties in the Kentucky portion of the bi-state Louisville Area for the 1997 Annual $PM_{2.5}$ NAAQS from nonattainment to attainment, as found at 40 CFR part 81. EPA is also notifying the public that EPA finds the newly-established NO_X and direct $PM_{2.5}$ MVEBs for the bi-state Louisville Area adequate for the purpose of transportation conformity.

As mentioned above, EPA's most recently promulgated $PM_{2.5}$ implementation rule provides that the 1997 $PM_{2.5}$ NAAQS will be revoked for any area that is redesignated for the NAAQS upon the effective date of the redesignation. Therefore, the 1997 primary annual $PM_{2.5}$ NAAQS is revoked for the Kentucky portion of the bi-state Louisville Area on the effective date of this redesignation.

In accordance with 5 U.S.C. 553(d), EPA finds that there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the Area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking action may become effective less than 30 days after publication if the rule grants or recognizes an exemption or relieves a restriction, and section 553(d)(3), which allows an effective date less than 30 days after publication as otherwise provided by the agency for good cause found and published with the rule. The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, this rule will serve as a basis for a subsequent action to relieve the Area from certain CAA requirements. For these reasons, EPA finds good cause under 5 U.S.C. 553(d) for this action to become effective on the date of publication of this action.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these actions merely approve state law as meeting federal requirements and do not impose additional requirements beyond those imposed by state law. For this reason, these actions:

- Are not significant regulatory actions subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735,

[2] CAA section 175A(a) establishes the maintenance plan requirements that must be fulfilled by nonattainment areas in order to be redesignated to attainment. That section only requires that nonattainment areas for the *primary* standard submit a plan addressing maintenance of the *primary* NAAQS in order to be redesignated to attainment; it does not require nonattainment areas for secondary NAAQS to submit maintenance plans in order to be redesignated to attainment. *See* 42 U.S.C. 7505a(a).

October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- will not have disproportionate human health or environmental effects under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: March 15, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

■ 2. Section 52.920(e) is amended by adding an entry for ''1997 Annual $PM_{2.5}$ Maintenance Plan for the Kentucky portion of the bi-state Louisville Area'' at the end of the table to read as follows:

§ 52.920 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanations
*	*	*	*	*
1997 Annual $PM_{2.5}$ Maintenance Plan for the Kentucky portion of the bi-state Louisville Area.	Bullitt and Jefferson Counties	3/5/2012	4/7/2017 [Insert citation of publication].	

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

■ 4. In § 81.318, the table entitled ''Kentucky—1997 Annual $PM_{2.5}$ NAAQS (Primary and secondary)'' is amended under ''Louisville, KY–IN:'' by revising the entries for ''Bullitt County'' and ''Jefferson County'' to read as follows:

§ 81.318 Kentucky.

* * * * *

KENTUCKY—1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
* * * *	*		*	*
Louisville, KY–IN:				
Bullitt County	4/7/2017	Attainment.		
Jefferson County	4/7/2017	Attainment.		
* * * *	*		*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2017–06900 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866–7167–02]

RIN 0648–XF333

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to fully use the A season allowance of the 2017 total allowable catch apportioned to vessels using pot gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), April 6, 2017, through 1200 hours, A.l.t., June 10, 2017. Comments must be received at the following address no later than 4:30 p.m., A.l.t., April 24, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0127, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0127,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

NMFS closed directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA under § 679.20(d)(1)(iii) on February 23, 2017 (82 FR 11852, February 27, 2017).

NMFS has determined that as of April 3, 2017, approximately 1,260 metric tons of Pacific cod remain in the A season allowance of the 2017 total allowable catch (TAC) apportioned to vessels using pot gear in the Central Regulatory Area of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully use the 2017 TAC of Pacific cod in the Central Regulatory Area of the GOA, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA. The Administrator, Alaska Region, NMFS, (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of April 3, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon

the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the fishery for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until April 24, 2017.

This action is required by § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: April 4, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–07003 Filed 4–4–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866–7167–02]

RIN 0648–XF325

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2017 Pacific cod total allowable catch apportioned to catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), April 4, 2017, through 1200 hours, A.l.t., June 10, 2017.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2017 Pacific cod total allowable catch (TAC) apportioned to catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA is 2,700 metric tons (mt), as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032, February 27, 2017).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2017 Pacific cod TAC apportioned to catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,690 mt and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA. After the effective date of this closure, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of April 3, 2017.

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

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

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

Dated: April 4, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–06985 Filed 4–4–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 66
Friday, April 7, 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–2016–0461; Directorate Identifier 2014–NM–159–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

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

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for all Airbus Model A319, A320, and A321 series airplanes. This action revises the notice of proposed rulemaking (NPRM) by reducing the compliance time for replacing the main landing gear (MLG) actuator fitting and removing an inspection requirement for certain airplanes. We are proposing this AD to address the unsafe condition on these products. Since these actions impose an additional burden over those proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this SNPRM by May 22, 2017.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–0461; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–0461; Directorate Identifier 2014–NM–159–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on January 28, 2016 (81 FR 4901) (''the NPRM''). The NPRM was prompted by a report that an MLG door could not be closed due to rupture of the actuator fitting. The NPRM proposed to require repetitive inspections for cracking of the MLG door actuator fitting and its components, and corrective actions if necessary. The NPRM also proposed to require eventual replacement of all affected MLG door actuator fittings with new monoblock fittings, which would terminate the repetitive inspections.

Actions Since the NPRM Was Issued

Since the NPRM was issued, the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0182, dated September 13, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A319, A320, and A321 series airplanes. The MCAI states:

> On one A320 aeroplane, it was reported that one of the main landing gear (MLG) doors could not be closed. Investigations revealed the rupture of the actuator fitting at the actuator attachment area on the door side. The MLG door is attached to the aeroplane by 2 (two) hinge fittings.
>
> This condition, if not corrected, could, under certain circumstances, lead to detachment of a MLG door from the aeroplane, possibly resulting in damage to the aeroplane, and/or injury to persons on the ground.
>
> Prompted by these findings, [Direction Générale de l'Aviation Civile] France issued * * * [an AD] * * *, to require a MLG door actuator fitting inspection for cracks and to check the grain direction on a batch of aeroplanes. Subsequently, DGAC France issued * * * [an AD], retaining the requirements of DGAC France AD * * *, which was superseded, to require an inspection of the lower part of the MLG door actuator fitting.
>
> After that [DGAC] AD was issued, additional investigations revealed that damage could also appear on the nerve area

[of the forward monoblock fitting], in the upper part of the MLG door actuator fitting in the area of the hinge.

Consequently, DGAC France issued F–2003–434, dated December 10, 2003 [*http://ad.easa.europa.eu/ad/F-2003-454*] (EASA approval 2003–1436), retaining the requirements of [a] DGAC France AD * * *, which was superseded, to require additional repetitive inspections. That [DGAC] AD also included an optional terminating action, by replacing the MLG door actuator fittings in accordance with the instructions of Airbus Service Bulletin (SB) A320–52–1073.

After DGAC France AD F–2003–434 was issued, in the framework of the extended service goal campaign, it was decided to make replacement of the MLG door actuator fittings a required modification. Consequently, EASA issued AD 2014–0166 * * *, retaining the requirements of DGAC France AD F–2003–434, which was superseded, and requiring replacement of the MLG door actuator fittings with new monoblock fittings, which constitutes terminating action for the repetitive inspections.

After EASA AD 2014–0166 [corresponding to the NPRM] was issued, errors were identified in the compliance time definitions. Replacement of the MLG door actuator fittings was required ''before exceeding 48,000 flight cycles (FC) or 96,000 flight hours (FH), whichever occurs later since aeroplane first flight'', which should have been ''whichever occurs first''. Furthermore, since the MLG door is an interchangeable part, the compliance time must be defined as FC/FH accumulated by the MLG door. Furthermore, it was discovered that one of the required inspection[s] is applicable only to a batch of MLG door fittings.

For the reason described above, this AD retains the requirements of EASA AD 2014–0166, which is superseded, but requires accomplishment of the terminating action within more stringent compliance times, and reduce[s] the applicability of one of the required inspection[s].

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–0461.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information:

- Airbus Service Bulletin A320–52–1073, Revision 04, dated August 10, 1999.
- Airbus Service Bulletin A320–52–1073, Revision 05, dated September 28, 2006.
- Airbus Service Bulletin A320–52A1086, Revision 01, dated September 10, 1999.
- Airbus Service Bulletin A320–52–1096, Revision 02, dated July 12, 2006.

This service information describes procedures for inspections for cracking of the MLG door actuator fitting and its components, and corrective actions if necessary. This service information also describes procedures for replacement of all affected MLG door actuator fittings with new monoblock fittings. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Comments

We gave the public the opportunity to participate in developing this proposed AD. We considered the comments received.

Support for the NPRM

A commenter, Kevin Grandberry, stated that he supports the inspections of the MLG door actuator fittings specified in the NPRM.

Request To Reduce the Compliance Time for Replacing the MLG Actuator Fitting

Airbus asked that we reduce the compliance time for the replacement specified in paragraph (j)(1) of the proposed AD (in the NPRM) from ''whichever occurs later since the first flight of the airplane'' to ''whichever occurs first since the first flight of the airplane.'' Airbus stated that EASA updated EASA AD 2014–0166, dated July 16, 2014 (referenced in the NPRM), to correct the error noted in the compliance time (among other changes).

We agree with the commenter's request in light of the superseded EASA AD, which corrects the compliance time. We have changed the compliance time specified in paragraph (j)(1) of this proposed AD accordingly.

Request To Change Applicability

United Airlines (UA) asked that we limit the applicability of the NPRM to the manufacturer serial numbers (MSNs) included in Airbus Service Bulletin A320–52–1073, Revision 05, dated September 28, 2006. UA did not provide a reason for the request.

We do not agree with the commenter's request. The effectivity of Airbus Service Bulletin A320–52–1073, Revision 05, dated September 28, 2006, is based on airplanes delivered with the affected parts. However, the parts are rotable and could be installed on MSNs other than those identified in Airbus Service Bulletin A320–52–1073, Revision 05, dated September 28, 2006. Therefore, this AD applies to all airplanes identified in paragraph (c) of this AD. We have not changed this proposed AD in this regard.

Request for Credit for Previous Accomplishment of the Optional Terminating Action

UA asked that we give credit for modifying the airplane (as specified in the optional terminating action in paragraph (k) of the proposed AD (in the NPRM)) using Airbus Service Bulletin A320–52–1073, Revision 04, dated August 10, 1999; or any prior revision. UA stated that accomplishing any revisions (including future revisions) would terminate the repetitive inspections required by paragraphs (g) and (h) of the proposed AD.

We partially agree with the request. We agree to include Airbus Service Bulletin A320–52–1073, Revision 04, dated August 10, 1999, in this proposed AD; however, we do not agree to allow the use of any prior version because changes to the installation procedures were added to Airbus Service Bulletin A320–52–1073, Revision 04, dated August 10, 1999, to prevent damage to the carbon fiber of the MLG door. We have added Airbus Service Bulletin A320–52–1073, Revision 04, dated August 10, 1999, as a method of compliance for the optional terminating action in paragraph (k) of this proposed AD.

Request To Extend the Compliance Time for the Inspections

Delta Air Lines (DAL) asked that we extend the compliance time specified in paragraphs (g) and (j)(2) of the proposed AD (in the NPRM). DAL stated that the FAA waited years to take any action on the subject unsafe condition and, in light of that fact, the ''calendar date'' for the compliance time in paragraph (g) of the proposed AD (in the NPRM) should be extended from 30 to 180 days. DAL also stated that using a calendar date for a crack growth concern is not based on industry-accepted analysis. DAL noted that mandating the inspections with this short interval has a significant impact on operators with multiple aircraft that are affected by the proposed AD. DAL added that an immediate safety concern is not evident in the speed with which the FAA moved to enact the regulatory action, or in the details provided in the NPRM. In addition, DAL asked that the compliance time in paragraph (j)(2) of the proposed AD (in the NPRM) be extended from 30 days to 24 months. DAL stated that operators would have difficulty complying with the 30-day compliance time for replacing the MLG door actuator fitting due to the extensive time necessary to modify each door. DAL added that the replacement should be done in a hangar environment where skilled composite facilities and

technicians are available, which occurs every 24 months.

We do not agree with the commenter's requests. The compliance times in paragraphs (g) and (j)(2) of this proposed AD are based on EASA's assessment of the overall risk to the fleet, including the severity of the failure and the likelihood of the failure to occur. We are unaware of any information or data that substantiates the compliance time change the commenter has requested, and nothing was provided by the commenter to support the request. We also do not agree that FAA requirements related to crack growth are based on calendar time. The calendar time of 30 days, as retained in this proposed AD, is a grace period to provide additional time for airplanes that have exceeded their limit of validity of engineering data. All other compliance time requirements are based on flight cycles and flight hours.

We also note that since this is a SNPRM, operators will have additional time to plan for AD compliance. However, under the provisions of paragraph (n)(1) of this proposed AD, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety. We have not changed this proposed AD in this regard.

Request To Include MLG Serial Numbers

DAL asked that we change paragraph (h) of the proposed AD (in the NPRM) to include the affected serial numbers of the left- and right-hand doors of the MLG. DAL stated that paragraph (g) of the proposed AD (in the NPRM) provides the door serial numbers to assist with identifying the affected doors, and similar information should be provided in paragraph (h) of the proposed AD (in the NPRM).

We agree with the commenter's request. Paragraph (4) of EASA AD 2016–0182, dated September 13, 2016, which corresponds to paragraph (h) of this proposed AD, identifies the affected serial numbers. It was not our intent to deviate from the MCAI. We have added the serial numbers to paragraph (h) of this proposed AD.

Request To Clarify Modification Titles

UA asked that we clarify the language in paragraph (l) of the proposed AD (in the NPRM) to add ''or Airbus Modification'' before each modification number specified.

We agree and have clarified paragraph (l) of this proposed AD accordingly.

FAA's Determination and Requirements of This SNPRM

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

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.

Costs of Compliance

We estimate that this proposed AD affects 71 airplanes of U.S. registry.

We also estimate that it would take about 38 work-hours per product to comply with the inspection requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost for the inspection specified in this proposed AD on U.S. operators to be $229,330, or $3,230 per product.

We estimate that it would take about 98 work-hours per product to comply with the MLG actuator replacement requirements of this proposed AD. Required parts would cost about $6,258 per product. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost for the actuator replacement specified in this proposed AD on U.S. operators to be $1,035,748, or $14,588 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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):

Airbus: Docket No. FAA–2016–0461; Directorate Identifier 2014–NM–159–AD.

(a) Comments Due Date

We must receive comments by May 22, 2017.

(b) Affected ADs

None.

(c) Applicability

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

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by a report that a main landing gear (MLG) door could not be closed due to rupture of the actuator fitting. Later reports indicated that the forward monoblock fitting of the MLG door actuator (referred to as the nerve area) could be damaged after rupture of the actuator fitting. We are issuing this AD to prevent rupture of the door actuator fittings, which could result in detachment of an MLG door and subsequent exterior damage and consequent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections of MLG Door Actuator Fittings

For airplanes equipped with MLG door actuator fittings having part number (P/N) D52880224000 or P/N D52880224001 that were installed before the first flight of the airplane on MLG doors identified in paragraphs (g)(1) and (g)(2) of this AD: Within 500 flight hours since the most recent high frequency eddy current (HFEC) inspection done as specified in Airbus Service Bulletin A320–52A1086, Revision 01, dated September 10, 1999, or within 30 days after the effective date of this AD, whichever occurs later, perform an HFEC inspection for cracking of the MLG door fittings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52A1086, Revision 01, dated September 10, 1999. Repeat the inspection thereafter at intervals not to exceed 500 flight hours, except as provided by paragraphs (i), (j), and (k) of this AD.

(1) Left-hand MLG doors with serial numbers (S/Ns) 1206 through 1237 inclusive, 1239 through 1247 inclusive, and 1249 through 1251 inclusive.

(2) Right-hand MLG doors with S/Ns 1208 through 1239 inclusive, 1241 through 1249 inclusive, and 1251.

(h) Repetitive Inspections of MLG Hinge and Nerve Areas

For airplanes equipped with MLG door actuator fittings having P/N D52880224000, P/N D52880224001, P/N D52880235000, or P/N D52880235001 that were installed before the first flight of the airplane on MLG doors identified in paragraphs (h)(1) and (h)(2) of this AD: Within 400 flight cycles after the effective date of this AD, or before the accumulation of 9,000 total flight cycles since first flight of the airplane, whichever occurs later, perform an HFEC inspection of both hinge and nerve areas of the MLG doors for cracking, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1096, Revision 02, dated July 12, 2006. Repeat the inspection thereafter at intervals not to exceed 800 flight cycles, except as provided by paragraphs (i)(1), (j), and (k) of this AD.

(1) Left-hand MLG doors with S/Ns 1206 through 1510 inclusive, 1548, 1564, and 2000 through 2065 inclusive.

(2) Right-hand MLG doors with S/Ns 1208 through 1519 inclusive, 1551, and 2000 through 2065 inclusive.

(i) Inspections/Corrective Actions

(1) If any crack is found during any inspection required by paragraph (g) or (h) of this AD: Before further flight, replace the affected MLG door actuator fittings with new monoblock fittings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1073, Revision 05, dated September 28, 2006. Accomplishing this replacement terminates the repetitive inspections required by paragraphs (g) and (h) of this AD.

(2) If, during any HFEC inspection required by paragraph (g) of this AD, no crack is found: Before further flight, perform a low frequency eddy current (LFEC) inspection to determine the grain direction of the raw material of each MLG actuator fitting, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52A1086, Revision 01, dated September 10, 1999.

(i) If the grain direction of the raw material is correct, the repetitive inspections required by paragraph (g) of this AD may be terminated.

(ii) If the grain direction of the raw material is incorrect, repeat the HFEC inspection required by paragraph (g) of this AD at the time specified in paragraph (g) of this AD. Replacement of the MLG door actuator fittings with new monoblock fittings as specified in paragraph (i)(1) of this AD terminates the repetitive inspections required by paragraphs (g) and (i) of this AD.

(j) MLG Door Actuator Fitting Replacement

For airplanes equipped with any MLG door actuator fitting having P/N D52880102000, P/N D52880102001, P/N D52880220000, P/N D52880220001, P/N D52880224000, P/N D52880224001, P/N D52880235000, or P/N D52880235001: At the later of the times specified in paragraphs (j)(1) and (j)(2) of this AD, replace the MLG door actuator fittings with new monoblock fittings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1073, Revision 05, dated September 28, 2006. Accomplishing this replacement terminates the repetitive inspections required by paragraphs (g) and (h) of this AD.

(1) Before the accumulation of 48,000 total flight cycles or 96,000 total flight hours on the MLG door, whichever occurs first.

(2) Within 30 days after the effective date of this AD.

(k) Optional Terminating Action

Replacement of the MLG door actuator fittings with new monoblock fittings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1073, Revision 04, dated August 10, 1999; or Airbus Service Bulletin A320–52–1073, Revision 05, dated September 28, 2006; terminates the repetitive inspections required by paragraphs (g) and (h) of this AD.

(l) Airplanes Excluded From Certain AD Requirements

(1) For airplanes on which Airbus Modification 24903, or Airbus Modification 25372, or Airbus Modification 36979 has been embodied in production, no action is required by this AD, provided that no MLG door actuator fitting having any part number identified in paragraph (j) of this AD has been reinstalled on the airplane since first flight.

(2) Modification of an airplane by installing a version (P/N) of the MLG door actuator fitting approved after the effective date of this AD is acceptable for compliance with the requirements in paragraph (j) of this AD, provided the conditions specified in paragraphs (l)(2)(i) and (l)(2)(ii) are met.

(i) The MLG door actuator fitting (P/N) must be approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(ii) The modification must be accomplished in accordance with instructions approved by the Manager, International Branch, EASA, or Airbus's EASA DOA.

(m) Parts Installation Limitation

As of the effective date of this AD, no person may install an MLG door actuator fitting having any part number identified in paragraph (j) of this AD on any airplane.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA

Airworthiness Directive 2016–0182, dated September 13, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–0461.

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

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

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–06705 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0032; Airspace Docket No. 17–AEA–1]

Proposed Amendment of Class D Airspace and Revocation of Class E Airspace; Fort Eustis, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove Class E airspace designated as an extension at Fort Eustis, VA, as the Felker Non-Directional Beacon (NDB) has been decommissioned, and the approaches cancelled at Felker Army Airfield, (AAF). This action also would update the geographic coordinates of the airport under Class D airspace.

DATES: Comments must be received on or before May 22, 2017.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg. Ground Floor, Rm. W12–140, Washington, DC 20590; Telephone: 1–800–647–5527, or 202–366–9826. You must identify the Docket No. FAA–2017–0032; Airspace Docket No. 17–AEA–1, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone 404 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would remove Class E airspace, and amend Class D at Felker AAF, Fort Eustis, VA.

Comments Invited

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

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0032; Airspace Docket No. 17–AEA–1.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.regulations.gov.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to remove Class E airspace designated as an extension to a class D surface area at Felker Army Airfield, Fort Eustis, VA, due to the decommissioning of the Felker NDB and cancellation of the NDB approach, and for continued safety and management of IFR operations at the airport. The geographic coordinates of the airport would be adjusted under Class D to coincide with the FAAs aeronautical database.

Class D and E airspace designations are published in Paragraphs 5000 and 6004, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

Authority: 49 U.S.C. 106(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 Federal Aviation Administration Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AEA VA D Fort Eustis, VA [Amended]

Felker Army Airfield, Fort Eustis, VA
(Lat. 37°07′57″ N., long. 76°36′32″ W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.4-mile radius of Felker Army Airfield, excluding the portion that coincides with the Newport News, VA, Class D airspace area. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be published continuously in the Chart Supplement, (formerly the Airport/Facility Directory).

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

* * * * *

AEA VA E4 Fort Eustis, VA [Removed]

Issued in College Park, Georgia, on March 27, 2017.

Joey L. Medders,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–06748 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0071; Airspace Docket No. 17–ASO–3]

Proposed Amendment of Class E Airspace, Laurel, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Laurel, MS, as the Tallahala Non-Directional Radio Beacon (NDB) has been decommissioned, requiring airspace reconfiguration at Hesler-Noble Field Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also would update the geographic coordinates of the airport.

DATES: Comments must be received on or before May 22, 2017.

ADDRESSES: Send comments on this proposal to: U. S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg. Ground Floor, Rm. W12–140, Washington, DC 20590; Telephone: 1–800–647–5527, or 202–366–9826. You must identify the Docket No. FAA–2017–0071; Airspace Docket No. 17–ASO–3, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone 404–305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs,

describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at Hesler-Noble Field Airport, Laurel, MS.

Comments Invited

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

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0071; Airspace Docket No. 17–ASO–3.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify Class E airspace extending upward from 700 feet or more above the surface within a 8.4-mile radius (increased from 7.5 miles) of Hesler-Noble Field Airport, due to the decommissioning of the Tallahala NDB and cancellation of the NDB approach, and for continued safety and management of IFR operations at the airport. In addition, the FAA proposes to remove the 5-mile wide segment from the Tallahala NDB extending from the current 7.5-mile radius to 7 miles northwest of the NDB (excluding that airspace within the Hattiesburg, MS Class E airspace area). The geographic coordinates of the airport would be adjusted to coincide with the FAA's aeronautical database.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

Authority: 49 U.S.C. 106(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 Federal Aviation Administration Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

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

* * * * *

ASO MS E5 Laurel, MS [Amended]

Laurel, Hesler-Noble Field Airport, MS
(Lat. 31°40′23″ N., long. 89°10′22″ W.)

That airspace extending upward from 700 feet above the surface within an 8.4-mile radius of Hesler-Noble Field Airport.

Issued in College Park, Georgia, on March 27, 2017

Joey L. Medders,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–06751 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9377; Airspace Docket No. 16–AEA–8]

Proposed Amendment of Class D and Class E Airspace for the Following Pennsylvania Towns; Lancaster, PA; Reading, PA; and Williamsport, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace designated as an extension to Class D airspace by removing the Notice to Airmen (NOTAM) part-time status at Lancaster Airport, Lancaster, PA; Reading Regional Airport/Carl A. Spaatz Field, Reading, PA; and Williamsport Regional Airport, Williamsport, PA. This action would also update the geographic coordinates of these airports and the Picture Rocks navigation aid listed in this proposed rule. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

DATES: Comments must be received on or before May 22, 2017.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Rm. W12–140, Washington, DC 20590; Telephone: 1–800–647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2016–9377; Airspace Docket No. 16–AEA–8, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket is on the ground floor of the building at the above address.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace in the respective Class D and Class E airspace areas at Lancaster Airport, Lancaster, PA; Reading Regional Airport/Carl A. Spaatz Field, Reading, PA; and Williamsport Regional Airport, (formerly Williamsport-Lycoming County Airport), Williamsport, PA.

Comments Invited

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

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–9377; Airspace Docket No. 16–AEA–8.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.regulations.gov.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 by removing the NOTAM part-time status of the Class E airspace designated as an extension to a Class D surface area at Lancaster Airport, Lancaster, PA; Reading Regional Airport/Carl A. Spaatz Field, Reading, PA; and Williamsport Regional Airport, Williamsport, PA. Also, Class D airspace, Class E surface airspace, and Class E airspace areas extending upward from 700 feet or more above the surface would be amended by updating the geographic coordinates of these airports, as well as the Picture Rocks Non-directional radio beacon (NDB). Also, this action would update the name of Williamsport Regional Airport (formerly Williamsport-Lycoming County Airport).

Class D and Class E airspace designations are published in Paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AEA PA D Lancaster, PA [Amended]

Lancaster Airport, PA
(Lat. 40°07′20″ N., long. 76°17′40″ W.)

That airspace extending upward from the surface to and including 2,900 feet MSL within a 4.1-mile radius of Lancaster Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

* * * * *

AEA PA D Reading, PA [Amended]

Reading Regional Airport/Carl A Spaatz Field, PA
(Lat. 40°22′43″ N., long. 75°57′55″ W.)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 4.8-mile radius of Reading Regional/Carl A. Spaatz Field. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

* * * * *

AEA PA D Williamsport, PA [Amended]

Williamsport Regional Airport, PA
(Lat. 41°14′30″ N., long. 76°55′18″ W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.2-mile radius of Williamsport Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

* * * * *

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA PA E2 Lancaster, PA [Amended]

Lancaster Airport, PA
(Lat. 40°07′20″ N., long. 76°17′40″ W.)
Lancaster VORTAC
(Lat. 40°07′12″ N., long. 76°17′29″ W.)

Within a 4.1-mile radius of Lancaster Airport, and that airspace extending upward from the surface within 2.7 miles each side of the Lancaster VORTAC 260° radial extending from the VORTAC to 7.4 miles west of the VORTAC, and within 2.7 miles each side of the Lancaster VORTAC 128° radial extending from the VORTAC to 7.4 miles southeast of the VORTAC, and within 1.8 miles each side of the Lancaster VORTAC 055° radial extending from the VORTAC to 4.4 miles northeast of the VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

* * * * *

AEA PA E2 Reading, PA [Amended]

Reading Regional Airport/Carl A Spaatz Field, PA
(Lat. 40°22′43″ N., long. 75°57′55″ W.)

That airspace extending from the surface within a 4.8-mile radius of Reading Regional/Carl A. Spaatz Field, and within 4-miles either side of the 172° bearing from the airport, extending from the 4.8-mile radius, to 10.1-miles south of the airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

* * * * *

AEA PA E2 Williamsport, PA [Amended]

Williamsport Regional Airport, PA
(Lat. 41°14′30″ N., long. 76°55′18″ W.)

Within a 4.2-mile radius of Williamsport Regional Airport; and that airspace extending upward from the surface within a 7-mile radius of the airport extending clockwise from the 270° bearing to the 312° bearing from the airport and within an 11.3-mile radius of the airport extending clockwise from the 312° bearing to the 350° bearing from the airport and within an 11.3-mile radius of the airport extending clockwise from the 004° bearing to the 099° bearing from the airport and within 3.5 miles south of the airport east localizer course extending from the 4.2-mile radius of the airport east to the 099° bearing from the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

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

* * * * *

AEA PA E4 Lancaster, PA [Amended]

Lancaster Airport, PA
(Lat. 40°07′20″ N., long. 76°17′40″ W.)
Lancaster VORTAC
(Lat. 40°07′12″ N., long. 76°17′29″ W.)

That airspace extending upward from the surface within 2.7 miles each side of the Lancaster VORTAC 260° radial extending from the VORTAC to 7.4 miles west of the VORTAC, and within 2.7 miles each side of the Lancaster VORTAC 128° radial extending from the VORTAC to 7.4 miles southeast of the VORTAC, and within 1.8 miles each side of the Lancaster VORTAC 055° radial extending from the VORTAC to 4.4 miles northeast of the VORTAC.

* * * * *

AEA PA E4 Reading, PA [Amended]

Reading Regional Airport/Carl A Spaatz Field, PA
(Lat. 40°22′43″ N., long. 75°57′55″ W.)

That airspace extending upward from the surface within 4 miles either side of the 172° bearing from Reading Regional/Carl A. Spaatz Field extending from the 4.8-mile radius of the airport to 10.1 miles south of the airport.

* * * * *

AEA PA E4 Williamsport, PA [Amended]

Williamsport Regional Airport, PA
(Lat. 41°14′30″ N., long. 76°55′18″ W.)

That airspace extending upward from the surface within a 7-mile radius of Williamsport Regional Airport extending clockwise from a 270° bearing to the 312° bearing from the airport and within an 11.3-mile radius of the airport extending clockwise from the 312° bearing to the 350° bearing from the airport and within an 11.3-mile radius of the airport extending clockwise from the 004° bearing to the 099° bearing from the airport and within 3.5 miles south of the airport east localizer course extending from the 4.2-mile radius of the airport east to the 099° bearing from the airport.

* * * * *

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

* * * * *

AEA PA E5 Reading, PA [Amended]

Reading Regional Airport/Carl A Spaatz Field, PA
(Lat. 40°22′43″ N., long. 75°57′55″ W.)

That airspace extending upward from 700 feet above the surface within a 10.3-mile radius of Reading Regional/Carl A. Spaatz Field.

* * * * *

AEA PA E5 Williamsport, PA [Amended]

Williamsport Regional Airport, PA
(Lat. 41°14′30″ N., long. 76°55′18″ W.)
Picture Rocks NDB
(Lat. 41°16′37″ N., long. 76°42′36″ W.)
Williamsport Hospital, Point In Space Coordinates
(Lat. 41°14′43″ N., long. 77°00′04″ W.)

That airspace extending upward from 700 feet above the surface within a 17.9-mile radius of Williamsport Regional Airport extending clockwise from the 025° bearing to the 067° bearing from the airport, and within a 12.6-mile radius of Williamsport Regional Airport extending clockwise from the 067° bearing to a 099° bearing from the airport, and within a 6.7-mile radius of Williamsport Regional Airport extending clockwise from the 099° bearing to the 270° bearing from the airport, and within a 17.9-mile radius of Williamsport Regional Airport extending clockwise from the 270° bearing to the 312° bearing from the airport and within a 19.6-mile radius of Williamsport Regional Airport extending clockwise from the 312° bearing to the 350° bearing from the airport and within a 6.7-mile radius of Williamsport Regional Airport extending clockwise from the 350° bearing to the 025° bearing from the airport and within 4.4 miles each side of the Williamsport Regional Airport ILS localizer east course extending from the Picture Rocks NDB to 11.3 miles east of the NDB; and that airspace within a 6-mile radius of the point in space (lat. 41°14′43″ N., long. 77°00′04″ W.) serving Williamsport Hospital.

Issued in College Park, Georgia, on March 27, 2017.

Joey L. Medders,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–06759 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0070; Airspace Docket No. 17–ASO–2]

Proposed Amendment of Class E Airspace, Fayetteville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Fayetteville, TN, as the Kelso Non-Directional Beacon (NDB) has been decommissioned, requiring airspace reconfiguration at Fayetteville Municipal Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also would update the geographic coordinates of the airport.

DATES: Comments must be received on or before May 22, 2017.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg Ground Floor, Rm. W12–140, Washington, DC 20590; Telephone: 1–800–647–5527, or 202–366–9826. You must identify the Docket No. FAA–2017–0070; Airspace Docket No. 17–ASO–2, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket is on the ground floor of the building at the above address.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone 404 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0070; Airspace Docket No. 17–ASO–2.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.regulations.gov.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) Part 71 to amend Class E airspace extending upward from 700 feet or more above the surface within a 6.6-mile radius of Fayetteville Municipal Airport, due to the decommissioning of the Kelso NDB and cancellation of the NDB approach, and for continued safety and management of IFR operations at the airport. The geographic coordinates of the airport would be adjusted to coincide with the FAAs aeronautical database.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

Authority: 49 U.S.C. 106(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 Federal Aviation Administration Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

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

* * * * *

ASO TN E5 Fayetteville, TN [Amended]

Fayetteville Municipal Airport, TN
(Lat. 35°03′35″N., long. 86°33′50″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Fayetteville Municipal Airport and within 4 miles each side of the 014° bearing from airport, extending from the 6.6-mile radius to 10.1-miles north of the airport.

Issued in College Park, Georgia, on March 27, 2017.

Joey L. Medders,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–06760 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9480; Airspace Docket No. 16–AEA–13]

Proposed Amendment of Class D and Class E Airspace; Morgantown, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace designated as an extension to Class D airspace at Morgantown, WV, by removing Notice to Airmen (NOTAM) part-time status at Morgantown Municipal Airport—Walter L. Bill Hart Field, and would amend the airport's geographic coordinates. The geographic coordinates of the airport in Class D airspace, Class E surface area airspace and Class E 700 foot airspace also would be adjusted. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before May 22, 2017.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg. Ground Floor, Rm W12–140, Washington, DC 20590; Telephone: 1–800–647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2016–9480; Airspace Docket No. 16–AEA–13, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone 404 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace at Morgantown Municipal Airport—Walter L. Bill Hart Field, Morgantown, WV.

Comments Invited

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

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–9480; Airspace Docket No. 16–AEA–13.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.regulations.gov.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) Part 71 by removing the NOTAM part-time status of the Class E airspace designated as an extension to a Class D surface area at Morgantown Municipal Airport-Walter L. Bill Hart Field, Morgantown, WV. This action also would amend Class D airspace, Class E surface area airspace, and Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface by updating the geographic coordinates of the airport.

Class E airspace designations are published in Paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive

Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

Authority: 49 U.S.C. 106(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 Federal Aviation Administration Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AEA WV D Morgantown, WV [Amended]

Morgantown Municipal Airport—Walter L. Bill Hart Field, WV
(Lat. 39°38′37″ N., long. 79°55′03″ W.)

That airspace extending upward from the surface to and including 3,700 feet MSL within a 4-mile radius of Morgantown Municipal Airport—Walter L. Bill Hart Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

Paragraph 6002 Class E Surface Area Airspace

* * * * *

AEA WV E2 Morgantown, WV [Amended]

Morgantown Municipal Airport—Walter L. Bill Hart Field, WV
(Lat. 39°38′37″ N., long. 79°55′03″ W.)

Within a 4-mile radius of Morgantown Municipal Airport—Walter L. Bill Hart Field. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

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

* * * * *

AEA WV E4 Morgantown, WV [Amended]

Morgantown Municipal Airport—Walter L. Bill Hart Field, WV
(Lat. 39°38′37″ N., long. 79°55′03″ W.)
Morgantown VORTAC
(Lat. 39°33′24″ N., long. 79°51′37″ W.)

That airspace extending upward from the surface within 1 mile either side of the Morgantown VORTAC 332° radial extending from the 4-mile radius of Morgantown Municipal Airport—Walter L. Bill Hart Field to the Morgantown VORTAC.

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

* * * * *

AEA WV E5 Morgantown, WV [Amended]

Morgantown Municipal Airport—Walter L. Bill Hart Field, WV
(Lat. 39°38′37″ N., long. 79°55′03″ W.)
Morgantown VORTAC
(Lat. 39°33′24″ N., long. 79°51′37″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Morgantown Municipal Airport—Walter L. Bill Hart Field, and within 3 miles each side of the Morgantown VORTAC 152° radial extending from the 6.5-mile radius to 8.8 miles southeast of the VORTAC, and within 3 miles west of the Morgantown VORTAC 336° radial clockwise to 3 miles east of Morgantown Municipal Airport—Walter L. Bill Hart Field north localizer course extending from the 6.5-mile radius to 15.1 miles north of the airport.

Issued in College Park, Georgia, on March 27, 2017.

Joey L. Medders,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–06756 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

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

Proposed Amendment of Class E Airspace; Falls City, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Brenner Field Airport, Falls City, NE, due to the decommissioning of the Brenner non-directional radio beacon (NDB) and cancellation of NDB approach. This action is necessary to enhance the safety and management of standard instrument approach procedures for instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before May 22, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2016–9593; Airspace Docket No. 16–ACE–12, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

FAA Order 7400.11A, Airspace Designations and Reporting Points, is

published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Ruben Licon, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5941.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace at Brenner Field Airport, Falls City, NE, due to the decommissioning of the Brenner NDB and cancellation of NDB approach.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–9593/Airspace Docket No. 16–ACE–12.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 700 feet or more above the surface at Brenner Field Airport, Falls City, NE. The action proposes to modify the airspace extending upward from 700 feet above the surface within a 6.5-mile radius (increased from 6.4 miles and remove the airspace associated with the decommissioned Brenner NDB.

Airspace reconfiguration is necessary due to the decommissioning of the NDB, and cancellation of NDB approaches, and would enhance the safety and management of the standard instrument approach procedures for IFR operations at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE NE E5 Falls City, NE [Amended]

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

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

Issued in Fort Worth, TX, on March 28, 2017.

Walter Tweedy,

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

[FR Doc. 2017–06750 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9496; Airspace Docket No. 16–AEA–16]

Proposed Establishment of Class E Airspace; Finleyville, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Finleyville, PA, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) serving Finleyville Airpark. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before May 22, 2017.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg Ground Floor, Rm. W12–140, Washington, DC 20590; Telephone: 1–800–647–5527, or 202–647–9826.You must identify the Docket No. FAA–2016–9496; Airspace Docket No. 16–AEA–16, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

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 proposed rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace at Finleyville Airpark, Finleyville, PA.

Comments Invited

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

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–9496; Airspace Docket No. 16–AEA–16.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Finleyville, PA, providing the controlled airspace required to support the new RNAV

(GPS) standard instrument approach procedures for Finleyville Airpark. Controlled airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the airport would be established for IFR operations.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA PA E5 Finleyville, PA, [New]

Finleyville Airpark, PA
(Lat. 40°14′45″ N., long. 80°00′44″ W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of Finleyville Airpark.

Issued in College Park, Georgia, on March 27, 2017.

Joey L. Medders,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–06754 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1112, 1130, and 1236

[CPSC Docket No. 2017–0020]

Safety Standard for Infant Inclined Sleep Products

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the United States Consumer Product Safety Commission (Commission or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards, or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is proposing a safety standard for infant inclined sleep products (inclined sleep products) in response to the direction under section 104(b) of the CPSIA. In addition, the Commission is proposing an amendment to include inclined sleep products in the list of notice of requirements (NORs) issued by the Commission. The Commission is also proposing to explicitly identify infant inclined sleep products as a durable infant or toddler product subject to CPSC's consumer registration requirements.

DATES: Submit comments by June 21, 2017.

ADDRESSES: Comments related to the Paperwork Reduction Act aspects of the marking, labeling, and instructional literature requirements of the proposed mandatory standard for inclined sleep products should be directed to the Office of Information and Regulatory Affairs, the Office of Management and Budget, Attn: CPSC Desk Officer, FAX: 202–395–6974, or emailed to *oira_submission@omb.eop.gov.*

Other comments, identified by Docket No. CPSC–2017–0020, may be submitted electronically or in writing:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number, CPSC–2017–0020, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Celestine T. Kish, Project Manager, Directorate for Engineering, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2547; email: *ckish@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

The CPSIA was enacted on August 14, 2008. Section 104(b) of the CPSIA, part of the Danny Keysar Child Product Safety Notification Act, requires the Commission to: (1) Examine and assess the effectiveness of voluntary consumer product safety standards for durable infant or toddler products, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts; and (2) promulgate consumer product safety standards for durable infant or toddler products. Standards issued under section 104 are to be ''substantially the same as'' the applicable voluntary standards, or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

Section 104(f)(1) of the CPSIA defines the term ''durable infant or toddler product'' as ''a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.'' The definition lists examples of several categories of durable infant or toddler products, including bassinets and cradles. Staff initially considered inclined sleep products to fall within the scope of the bassinet/cradle standard, but as work progressed on that standard, it became evident that one rule could not effectively address all products. Accordingly, the Commission directed staff to separate inclined sleep products into a separate rulemaking effort. Thus, the inclined sleep products safety standard is an outgrowth of the bassinet/cradle safety standard, addressing products with an incline greater than 10 degrees from horizontal. ASTM simultaneously began work on developing a voluntary standard for inclined sleep products. ASTM published the resulting infant inclined sleep products standard in May 2015, and most recently revised the standard in January of 2017.

This proposed rule would establish a standard for inclined sleep products as a type of durable infant or toddler product under section 104 of the CPSIA. Because the inclined sleep product standard is an outgrowth of the bassinet/cradle standard, a category that the statutory definition of ''durable infant or toddler product'' explicitly lists, inclined sleep products could be considered a type of bassinet. Section 104(f). Thus, to avoid possible confusion about inclined sleep products being a durable infant or toddler product, the Commission proposes to amend the definition of ''durable infant or toddler product'' in the consumer registration rule to explicitly include ''infant inclined sleep products.''

Pursuant to section 104(b)(1)(A) of the CPSIA, the Commission consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and members of the public in the development of this notice of proposed rulemaking (NPR), largely through the ASTM process.

Based on a briefing package prepared by CPSC staff, the NPR would incorporate by reference the most recent voluntary standard developed by ASTM International, ASTM F3118–17, *Standard Consumer Safety Specification for Inclined Sleep Products,* with a modification to the standard's definition of ''accessory.'' [*https://www.cpsc.gov/s3fs-public/Proposed%20Rule%20-%20Safety%20Standard%20for%20Infant%20Inclined%20Sleep%20Products%20-%20March%2022%2C%202017.pdf*] If finalized, the ASTM standard, as modified, would be a mandatory safety rule under the Consumer Product Safety Act (CPSA).

The testing and certification requirements of section 14(a) of the CPSA apply to the standards promulgated under section 104 of the CPSIA. Section 14(a)(3) of the CPSA requires the Commission to publish an NOR for the accreditation of third party conformity assessment bodies (test laboratories) to assess conformity with a children's product safety rule to which a children's product is subject. The proposed rule for inclined sleep products, if issued as a final rule, would be a children's product safety rule that requires the issuance of an NOR. To meet the requirement that the Commission issue an NOR for the inclined sleep products standard, this NPR also proposes to amend 16 CFR part 1112 to include 16 CFR part 1236, the CFR section where the inclined sleep products standard will be codified, if the standard becomes final.

II. Product Description

A. Infant Inclined Sleep Products, Generally

There are many different styles of infant inclined sleep products available for infants and newborns. These can be categorized as:

- Hammocks (typically constructed of fabric and suspended from one or two points, either above or on either side; constructed of various materials; generally conform to the shape of the child when placed in the product; can either be supported by a frame or other structure, such as a ceiling);
- Newborn or infant frame type (intended to be placed on the floor; self-supporting; typically use a metal frame with a rigid or semi-rigid sleeping surface; base may be stationary or allow side to side rocking; may be intended for use by either newborns or infants, or both, depending on the size);
- Compact (freestanding with the bottom of the seat a maximum of 6 inches above the floor; generally constructed of foam with a fixed seat back angle between 10° and 30°; intended to be used on the floor); and
- Newborn or infant inclined sleep product accessories (intended to provide sleeping accommodations and are attached to or supported in some way by another product; a rigid frame product that has either a stationary or fixed base and in some cases may be removed and used independently; products intended for newborn use have a seat back less than 17 inches).

Products intended for use with newborns are generally similar in design to products intended for infants, except that products intended for use with newborns have a seat back length of 17 inches or less.

B. Definition of ''Infant Inclined Sleep Product''

An ''infant inclined sleep product,'' as defined by ASTM F3118–17, includes three key components:

- *Age of intended product occupant:* the product must be intended for infants up to five months old (3 months for certain smaller products). The product may additionally be intended for older children, possibly in a different configuration, provided that its intended use also includes children up to five months.
- *Sleep:* the product must be primarily intended and marketed to provide sleeping accommodations.
- *Surface incline:* the product must have at least one inclined sleep surface position that is greater than 10 degrees, but less than or equal to 30 degrees.

In sum, the inclined sleep products standard covers ''a free standing product with an inclined sleep surface primarily intended and marketed to provide sleeping accommodations for an infant up to 5 months old or when the infant begins to roll over or pull up on sides, whichever comes first.''

The ASTM standard also covers newborn inclined sleep products, compact inclined sleep products, and inclined sleep product accessories. According to the ASTM standard, a newborn inclined sleep product is a

''smaller product intended for newborns up to 3 months old or when newborn begins to wiggle out of position or turn over in the product or weighs more than 15 lb (6.8 kg), whichever comes first.'' A compact inclined sleep product is ''a free standing infant or newborn inclined sleep product having a distance of 6.0 in. or less between the underside of the lowest point on the seat bottom and the support surface (floor).'' The ASTM standard defines ''infant and newborn inclined sleep product accessories'' as products ''which are attached to, or supported by, another product with the same age or abilities, or both, as the free standing products.'' The ASTM standard currently limits inclined sleep product accessories to rigidly framed products, but the Commission proposes to modify the definition in ASTM F3118–17 of ''infant and newborn inclined sleep product accessories'' to remove the phrase ''rigidly framed'' so that the standard will include recently-identified soft-sided products that attach to cribs and play yards.

The scope section of ASTM F3118–17 further provides that if the inclined sleep product can be converted into a product for which another ASTM standard consumer safety specification exists, the product shall meet the applicable requirements of that standard, in addition to those of ASTM F3118–17.

CPSC and ASTM recognize that the scope section of the standard as currently written may contain some ambiguity about the meaning of ''intended and marketed to provide sleeping accommodations.'' CPSC and ASTM staff continue to work to reduce this ambiguity to provide greater clarity for inclined sleep product suppliers to determine whether their products fall within the scope of the ASTM standard. One option would be for the standard to clarify ''intended . . . to provide sleeping accommodations.'' ASTM and CPSC recognize that infants sleep in many products, some of which are designed specifically for sleep, while others are designed for other purposes (*i.e.,* infant swings). CPSC requests comments on the need to define ''intended or marketed to provide sleeping accommodations,'' along with potential definitions of that term, as well as whether and the extent to which clarification regarding which products constitute multi-use inclined sleep products is needed.

III. Incident Data

The Commission is aware of a total of 657 incidents (14 fatal and 643 nonfatal) related to infant inclined sleep products, reported to have occurred between January 1, 2005 and September 30, 2016. Information on 40 percent (261 out of 657) of the incidents was based solely on reports submitted to CPSC by manufacturers and retailers through CPSC's ''Retailer Reporting System.'' Various sources, such as hotlines, internet reports, newspaper clippings, medical examiners, and other state and local authorities provided the CPSC with the remaining incident reports. Because reporting is ongoing, the number of reported fatalities, nonfatal injuries, and non-injury incidents may change in the future.

A. Fatalities

CPSC has reports of 14 fatalities associated with the use of an infant inclined sleep product, which occurred between January 1, 2005 and September 30, 2016.

- Eight of the 14 deaths involved rocker-like inclined sleep products.
  - In three cases, the unstrapped decedent was found to have rolled over into a face-down position.
  - In two additional cases, the decedent reportedly rolled over into a face down position, but no information was available on the use of a restraint.
  - For the remaining three cases, there was insufficient information about the cause or manner of the deaths.
- Four of the 14 deaths involved reclined infant seat-type products.
  - In three cases, the products were placed inside cribs and the decedents (two with restraints, one without restraints) were found to have rolled over the edge of the products into the bedding in the cribs.
  - In the remaining one case, restraints were not used and the decedent was found to have rolled over into a face-down position.
- Two of the 14 deaths involved infant hammocks.
  - In one case, the decedent had rolled over on her stomach—restraint-use not mentioned—and was found face down on a foam mattress.
  - In the one remaining case, the decedent was trapped in the head down position, with face pressed against bedding material after product straps were not assembled correctly, allowing the product to tip out of position.

B. Nonfatalities

CPSC has reports of 643 inclined sleep product-related nonfatal incidents that were reported to have occurred between January 1, 2005 and September 30, 2016. Of the 643 incidents, 301 involved an injury to the infant during use of the product. The majority of the injured (256 out of 301) were between 1 month and 8 months of age. Age was reported to be over 8 months for 16 of the injured infants, and was not reported for 29 of the injured infants.

The severity of the injury types among the 301 reported injuries were as follows:

- 20 required hospital admissions (17 for respiratory problems suffered due to mold on the sleep product, 2 for treatment of a head injury due to a fall, and 1 for observation of an infant who had stopped breathing for unspecified reasons).
- 27 were treated and released from emergency departments. These infants were treated for respiratory problems, head injuries (such as a skull fracture or a *closed-head injury*), contusions/bruises, and, in one case, foreign objects (namely, metal shavings from the product) that entered the infant's eye.
- 151 required treatment for *plagiocephaly* (flat head syndrome), *torticollis* (twisted neck syndrome), or both conditions, associated with the use of the inclined sleep product.
- 90 were treated for mostly respiratory and some skin problems associated with mold on the product.
- Seven infants suffered minor bumps/bruises/lacerations due to falls or near-falls.
- Three suffered a combination of respiratory problems along with flat head syndrome or fall injuries.
- One eye-burn injury, one thermal burn due to electrical overheating, and one abnormal back curvature condition attributed to the use of an inclined sleep product.

The remaining 342 incident reports stated that no injury had occurred or provided no information about any injury. However, many of the descriptions indicated the potential for a serious injury or even death.

C. Hazard Pattern Identification

CPSC staff considered all 657 reported incidents to identify hazard patterns associated with inclined sleep products. ASTM F3118–17 covers a variety of products. Some, like hammocks, are suspended in air, while other seat-like products are meant to be placed on a level floor (although incident reports indicate they often were not). Yet others sit as attachments on larger nursery products.

Because inclined sleep products include a variety of product types, staff identified different hazard patterns depending on which product was involved and how it was used. CPSC staff identified the following hazard patterns associated with inclined sleep products:

1. *Design Problems (75%):* 492 incidents fell within this category. Staff

identified two major design issues: (1) Infants reportedly developed respiratory and/or skin ailments due to the growth of mold on the product; and (2) infants reportedly developed physical deformations such as *plagiocephaly* (flat head syndrome) and/or *torticollis* (twisted neck syndrome) from extended use of the product. Although this category does not include any deaths, this category includes 17 hospitalizations and 13 emergency department (ED) visits, all for treating respiratory problems associated with the use of the inclined sleep product. This category also includes an additional 244 non-hospitalized, non-ED injuries.

2. *Compromised Structural integrity (5%):* 36 incident reports noted some level of failure of the product or its components. These failures included buckles or straps breaking, pads/seats/liners tearing, hardware coming loose, and metal stands/bars and other unspecified components breaking. No injuries or fatalities were reported in this category.

3. *Inadequate restraints (5%):* 35 incidents reportedly occurred when the restraint failed to adequately confine the infant in position. These incidents include two deaths when an infant, although restrained, rolled over, out of position, and ended up with face buried in nearby soft bedding. Three of the nine injuries in this category were treated in emergency departments and resulted from a strapped-in infant falling out of the product entirely.

4. *Electrical issues (3%):* 22 incidents involved overheating or melting of components such as the vibrating unit, battery cover, switch, or motor. One incident resulted in a thermal burn.

5. *Non-product-related/unknown issues (3%):* In 18 incidents either the manner in which the product was used led to an incident or not enough information was available to determine how the incident occurred. This category includes 10 fatalities and four injuries. User error contributed to six asphyxiation fatalities in this category; all decedents were left unstrapped and later found in a prone position. Two additional fatalities occurred when an infant rolled out of position while in the product; it was unknown if a restraint was used. The incident reports did not indicate clearly the circumstances that led to the remaining two fatalities. Of the four injuries, staff attributed two to user error; staff has very little information about the circumstances leading to the remaining two injury incidents.

6. *Infant positioning during use (2%):* In 13 reported incidents the infant moved into a compromised position. Most of the incidents involved hammock-like products, which shifted into a non-level rest position as the infant moved. Two infants ended up trapped in a corner with face in the fabric/bedding of the product. In two other reports, consumers complained of difficulty in preventing the infant from getting into a head-to-chin position.

7. *Miscellaneous product-related issues (1%):* Nine incident reports noted a variety of product-related issues. These included: Complaints of poor finish (metal shavings, sharp edges, a threaded needle left in the product), instability (product, suspended mid-air, flipping over, or product, sitting on floor, tipping over), incomplete packaging (missing parts and instructions), and noxious odor. In addition, one incident reported both restraint inadequacy and mold growth, indicating a design problem. Two injuries were reported in this category, including one treated and released from a hospital emergency department.

8. *Unspecified falls (1%):* In nine incidents, an infant fell from the inclined sleep product, but very little information was available on the circumstances surrounding the falls. All of the incidents were reported through hospital emergency departments and were reports of head injuries (skull fracture or *closed-head injury*) or face contusion. One infant was hospitalized while others were treated and released.

9. *Consumer comments (4%):* 23 incidents fall in this category. The reports consisted of consumer comments/observations of perceived safety hazards or complaints about unauthorized sale of infant inclined sleep products. None of these reports indicated that any incident actually occurred.

D. Product Recalls

Compliance staff reviewed recalls of infant inclined sleep products from May 10, 2000 to March 1, 2016. During that time, there were nine consumer-level recalls involving infant inclined sleep products. The recalls were conducted to resolve issues involving mold, structural stability, entrapment, suffocation, falls, and strangulation. Three recalls involved inclined sleep products and six recalls involved infant hammocks (which are within the scope of F3118–17).

One recall for mold affected 800,000 units of infant inclined sleep products. Two recalls for entrapment and suffocation affected 195,000 units of inclined sleep products. The six additional recalls were the result of potential suffocation, strangulation, structural stability, entrapment, and fall hazards. Those recalls collectively affected 25,368 hammock units.

IV. International Standards for Inclined Sleep Products

Other standards include infant inclined sleep products within their scope, but these standards are intended primarily to address hazards associated with products having flat sleeping surfaces, such as bassinets and cradles. These include:

- *The Cribs, Cradles, and Bassinets regulation included in the Canada Consumer Product Safety Act:* The Canadian regulation has similar requirements to ASTM F3118, such as warnings, labels, and general performance requirements (*e.g.* lead content, small parts, openings). The Canadian regulation has additional requirements for slat strength, mesh material, structural integrity, and mattress supports. Upon review, CPSC staff determined that the Canadian regulation provides similar performance requirements, but does not provide the comprehensive product assessment of the specific hazards identified in CPSC incident data that the ASTM standard does.
- *The European standard (SS–EN 1130: Furniture, Cribs, and Cradles Safety Requirements):* EN 1130 covers only inclined sleep products with a body and frame. The European standard would not include hammocks or similar products that are suspended from ceilings or other structures. EN 1130 includes requirements for construction and materials similar to the general ASTM F3118 requirements. Additional requirements include labeling, use instructions, packaging, and stability. EN 1130 is intended primarily to address hazards associated with bassinets and cradles and not the unique hazards associated with inclined sleep products. Based on evaluation, CPSC staff believes the ASTM standard is more inclusive because it includes all hammock styles and provides a more comprehensive assessment of potential hazards associated with inclined sleep products.
- *The Australian standard (AS/NZS 4385 Infants' rocking cradles—Safety requirements):* AS/NZS 4385 is intended for rocking cradles that swing, rock, or tilt, but specifically excludes hammocks that do not have this feature. It is unclear if tilt means incline, thereby including in the Australian standard inclined sleep products as defined in ASTM F3118. AS/NZS 4385 contains requirements for construction, toxicology, and flammability. There are also other general provisions such as those for included toys. AS/NZS 4385

has some similar performance requirements, but is not as comprehensive as ASTM F3118 in assessing the potential hazards associated with inclined sleep products.

V. Voluntary Standard—ASTM F3118

A. History of ASTM F3118

Section 104(b)(1)(A) of the CPSIA requires the Commission to consult representatives of ''consumer groups, juvenile product manufacturers, and independent child product engineers and experts'' to ''examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler products.'' As a result of incidents arising from inclined sleep products, CPSC staff requested that ASTM develop voluntary requirements to address the hazard patterns related to the use of inclined sleep products. ASTM first approved ASTM F3118 on April 1, 2015, and published it in May 2015. Through the ASTM process, CPSC staff consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and members of the public. The current standard, ASTM F3118–17, was approved on January 1, 2017, and published in March of 2017. This is the third revision to the standard since it was first published in May 2015.

B. Description of the Current Voluntary Standard—ASTM F3118–17

ASTM F3118–17 includes the following key provisions: Scope, terminology, general requirements, performance requirements, test methods, marking and labeling, and instructional literature.

Scope. This section states the scope of the standard, detailing what constitutes an infant inclined sleep product. As stated in section II.A. of this preamble, the Scope section describes an inclined sleep product as ''a free standing product with an inclined sleep surface primarily intended and marketed to provide sleeping accommodations for an infant up to 5 months old or when the infant begins to roll over or pull up on sides, whichever comes first.'' This section also states that the standard covers newborn inclined sleep products, compact inclined sleep products, and inclined sleep products accessories. This section further explains that if the inclined sleep product can be converted into a product for which another ASTM standard consumer safety specification exists, the product shall meet the applicable requirements of that standard, in addition to those of ASTM F3118–17.

Terminology. This section provides definitions of terms specific to this standard.

General Requirements. This section addresses numerous hazards with several general requirements, most of which are also found in the other ASTM juvenile product standards. The general requirements included in this section are:

- Lead in paint;
- Sharp edges or points;
- Small parts;
- Wood parts;
- Scissoring, shearing, and pinching;
- Openings;
- Exposed coil springs;
- Protective components;
- Labeling; and
- Toys.

Performance Requirements and Test Methods. These sections contain performance requirements specific to inclined sleep products (discussed here) and the test methods that must be used to assess conformity with such requirements.

- *Stability:* This requirement is intended to prevent inclined sleep products from tipping over while in use.
- *Unintentional folding:* This requirement is intended to prevent unintentional folding of the product while it is in use, regardless of type of lock/latch the product uses (if any).
- *Restraint systems:* This requirement is intended to ensure the integrity and effectiveness of restraint systems, which (when present) must include both a waist and crotch restraint, but not shoulder straps. Additionally, the inclined sleep product's restraint system must be designed so that the crotch restraint has to be used whenever the restraint system is used. The restraint system must be attached to the product in one of the manufacturer's recommended use positions at the time of shipment.
- *Side height:* This requirement is intended to prevent falls, in conjunction with head, foot, and side containment requirements.
- *Head, foot, and side containment:* This requirement is intended to prevent falls, in conjunction with side height requirements.
- *Side to side surface containment:* This requirement is intended to ensure a seat back shape that prevents children from rotating into a sideways position.
- *Seat back length:* This requirement is intended to prevent older children from being placed in inclined sleep products intended for younger users by restricting the head containment area available on the seat back.
- *Structural integrity:* This requirement is intended to ensure that the inclined sleep product remains cohesive after both dynamic and static load testing. It is also intended to ensure that the product can support the intended user's weight when a safety margin is factored in.

Marking and Labeling. This section contains various requirements relating to warnings, labeling, and required markings for inclined sleep products. This section prescribes various substance, format, and prominence requirements for such information.

Instructional Literature. This section requires that instructions be provided with inclined sleep products and be easy to read and understand. Additionally, the section contains requirements relating to instructional literature contents and format.

VI. Assessment of the Voluntary Standard ASTM F3118–17

CPSC staff identified 657 incidents (including 14 deaths) related to the use of inclined sleep products. CPSC staff examined the incident data, identified hazard patterns in the data, and worked with ASTM to develop the performance requirements in ASTM F3118. The incident data and identified hazard patterns served as the basis for the development of ASTM F3118–15 and F3118–17 by ASTM with CPSC staff support throughout the process.

CPSC believes that the current voluntary standard, ASTM F3118–17, addresses the primary hazard patterns identified in the incident data, with one modification to the standard's definition of ''accessory.'' CPSC concludes that more stringent requirements relating to the standard's definition of ''accessory'' would further reduce the risk of injury associated with inclined sleep products.

The following section discusses how each of the identified product-related issues or hazard patterns listed in section III.C. of this preamble is addressed by the current voluntary standard, ASTM F3118–17, and discusses the proposed more stringent requirement where appropriate:

A. Design Problems

Incident reports indicate that 75 percent of reported incidents were associated with the design of the inclined sleep product. Staff identified two major design issues: Infant respiratory and/or skin ailments due to mold growth on the product, and (2) Infant physical deformations such as *plagiocephaly* (flat head syndrome) and/or *torticollis* (twisted neck syndrome) from extended product use.

In the reported cases of mold that resulted in respiratory problems for infants using the product, all cases were

related to one particular manufacturer's inclined sleep product. CPSC conducted a recall of that product in 2013. Infants who use an inclined sleep product that is known to develop visible mold can be at risk of developing health effects such as allergies, asthma, mycosis, and effects of mycotoxins. However, because the mold growth was restricted to one manufacturer's product and that product was recalled, the Commission is not proposing any modifications to address potential hazards associated with mold.

Plagiocephaly, cranial deformity or asymmetry (commonly known as flat head) is a condition that may exist at birth due to mechanical constraint of fetal head movement in the womb, birth-related injuries during assisted delivery, or as a result of increased likelihood of skull deformity as a consequence of premature birth. Muscular torticollis (twisted neck) is a known risk factor associated with plagiocephaly caused by constraint of head and neck movement. Although incident data indicate that consumers believe use of an inclined sleep product is the cause for their child's plagiocephaly/torticollis, there is no evidence to support this belief. The increase in the number of children with plagiocephaly may actually be attributed to the American Academy of Pediatrics' (AAP) recommendation to place infants to sleep on their backs to decrease the risk of sudden infant death syndrome (SIDS). Because the development of plagiocephaly and torticollis is not exclusively attributable to the use of infant inclined sleep products, the conditions are not addressable with performance standards. The Commission is not proposing any modifications to the voluntary standard to address these issues.

B. Inadequate Restraints

ASTM F3118–17 does not require the inclusion of any type of restraint system. However, for products that do include restraints, the ASTM standard includes performance requirements to address restraint operation and function. Two deaths occurred in an inclined sleep product that was recalled during the development of the ASTM voluntary standard. The ASTM standards subcommittee developed the restraint requirements and containment requirements to address these deaths and injuries. The Commission believes that these restraint performance requirements adequately address this hazard pattern, and notes that these are similar requirements used in other juvenile product safety standards.

C. Compromised Structural Integrity

The incidents included in this category consisted of complaints related to buckles/straps breaking, pads/seats/liners tearing, hardware coming loose, and metal stands/bars and other unspecified components breaking. The static and dynamic load tests included in F3118–17 address structural integrity in a similar manner to other ASTM juvenile product standards. Following evaluation of these tests, the Commission believes that these requirements adequately address this hazard pattern.

D. Infant Positioning During Use

Most infant position incidents involved hammock-like products, which shifted into a non-level rest position as the infants moved, resulting in the infants becoming trapped in a corner with their face in the fabric/bedding of the product. Two fatalities occurred in this manner. Hazardous positioning involves multiple factors, such as the fabric or material used on the product's side, inclusion of a mat or mattress, and the infant's ability to reposition in the product. As the factors involved in these incidents are complex and not easily addressable, ASTM F3118–17 does not include specific performance requirements to directly address this scenario at this time. The voluntary standard addresses instability with a performance test; however, the intent of that test is to address incidents such as siblings pulling on the side and tipping the inclined sleep product. CPSC will continue to monitor incident data and could consider changes to the standard in the future if needed.

E. Non-Product-Related/Unknown

There were ten fatalities and four injuries in this category. User error contributed to six of the asphyxiation fatalities. All decedents were left unstrapped and later found in a prone position. ASTM F3118–17 has requirements for restraints (where the product includes restraints) and side containment to prevent infants from moving out of position. In addition, CPSC staff has worked with the ASTM subcommittee on the warnings and instructions to provide consumers with adequate information to use the product correctly.

F. Miscellaneous Product-Related Issues

CPSC considers incidents in this category (involving such hazards as stray objects, incomplete packaging, missing parts, and noxious odors) to present manufacturing quality control issues, not safety-related issues. Therefore, these incidents are not addressable by this standard. Requirements relating to other miscellaneous product-related issues, such as prevention of rough finishes, sharp edges, and points are included in the general requirements of ASTM F3118–17. The voluntary standard also includes performance requirements for the stability of infant, newborn, and compact inclined sleep products. CPSC evaluated these requirements and concludes that they are adequate to address this hazard pattern.

G. Electrical Issues

Since CPSC staff began monitoring the incident reports for inclined sleep products, incidents involving electrical issues have risen from 1 percent to 3 percent of the total reported incidents. One thermal burn injury was reported in this category. CPSC staff recently shared this new data with the ASTM subcommittee and suggested that electrical requirements similar to those in other juvenile products be added to F3118. The Commission requests comments regarding inclusion of electrical requirements to prevent further additional incidents, such as overheating, melting battery compartments, and thermal burns.

H. Unspecified Falls

There were eight reports of falls from the product with little detail on the incidents that led to the injury. Without details, it is unclear how the incident occurred or if it would be addressed by any performance standard. However, ASTM F3118–17 includes stability and containment requirements, as described in earlier sections, which address known hazard patterns that could result in falls.

I. Consumer Comments

This category contained 23 reports from consumers about perceived product hazards that did not result in incidents. CPSC staff reviewed the reports and determined that the information did not describe a hazardous situation or a situation not already addressed in the ASTM standard.

VII. Proposed Standard for Infant Inclined Sleep Products

As discussed in the previous section, most of the requirements of ASTM F3118–17 are sufficient to reduce the risk of injury posed by inclined sleep products. However, CPSC concludes that the accessory definition should be modified by removing ''rigid frame'' from the definition to further reduce the risk of injury associated with product use. ASTM F3118–17 defines

''accessory inclined sleep product'' as ''a rigid framed inclined sleep product that is intended to provide sleeping accommodations for infants or newborns and attaches to or is supported by another product.'' During 2016 ASTM subcommittee meetings, CPSC staff became aware of a new product that ASTM subcommittee members agreed should be classified as an accessory inclined sleep product, except for the fact that the product did not have a ''rigid frame.'' The subcommittee members agreed that ''rigid frame'' should be removed from the accessory definition. CPSC agrees with this approach and therefore proposes to incorporate by reference ASTM F3118–17 with a modification that would remove the phrase ''rigid frame'' from the definition of ''accessory inclined sleep product.''

VIII. Proposed Amendment to 16 CFR Part 1112 To Include NOR for Infant Inclined Sleep Products

The CPSA establishes certain requirements for product certification and testing. Products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard or regulation under any other act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). Certification of children's products subject to a children's product safety rule must be based on testing conducted by a CPSC-accepted third party conformity assessment body. *Id.* 2063(a)(2). The Commission must publish an NOR for the accreditation of third party conformity assessment bodies to assess conformity with a children's product safety rule to which a children's product is subject. *Id.* 2063(a)(3). Thus, the proposed rule for 16 CFR part 1236, *Standard Consumer Safety Specification for Infant Inclined Sleep Products,* if issued as a final rule, would be a children's product safety rule that requires the issuance of an NOR.

The Commission published a final rule, *Requirements Pertaining to Third Party Conformity Assessment Bodies,* 78 FR 15836 (March 12, 2013), codified at 16 CFR part 1112 (''part 1112'') and effective on June 10, 2013, which establishes requirements for accreditation of third party conformity assessment bodies to test for conformity with a children's product safety rule in accordance with section 14(a)(2) of the CPSA. Part 1112 also codifies all of the NORs issued previously by the Commission.

All new NORs for new children's product safety rules, such as the inclined sleep products standard, require an amendment to part 1112. To meet the requirement that the Commission issue an NOR for the inclined sleep products standard, as part of this NPR, the Commission proposes to amend the existing rule that codifies the list of all NORs issued by the Commission to add inclined sleep products to the list of children's product safety rules for which the CPSC has issued an NOR.

Test laboratories applying for acceptance as a CPSC-accepted third party conformity assessment body to test to the new standard for inclined sleep products would be required to meet the third party conformity assessment body accreditation requirements in part 1112. When a laboratory meets the requirements as a CPSC-accepted third party conformity assessment body, the laboratory can apply to the CPSC to have 16 CFR part 1236, *Standard Consumer Safety Specification for Infant Inclined Sleep Products,* included in the laboratory's scope of accreditation of CPSC safety rules listed for the laboratory on the CPSC Web site at: *www.cpsc.gov/labsearch.*

IX. Proposed Amendment to Definitions in Consumer Registration Rule

The statutory definition of ''durable infant or toddler product'' in section 104(f) applies to all of section 104 of the CPSIA. In addition to requiring the Commission to issue safety standards for durable infant or toddler products, section 104 of the CPSIA also directed the Commission to issue a rule requiring that manufacturers of durable infant or toddler products establish a program for consumer registration of those products. Public Law 110–314, section 104(d).

Section 104(f) of the CPSIA defines the term ''durable infant or toddler product'' and lists examples of such products:

(f) Definition Of Durable Infant or Toddler Product. As used in this section, the term ''durable infant or toddler product''—

(1) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(2) includes—

(A) full-size cribs and nonfull-size cribs;

(B) toddler beds;

(C) high chairs; booster chairs, and hook-on-chairs;

(D) bath seats;

(E) gates and other enclosures for confining a child;

(F) play yards;

(G) stationary activity centers;

(H) infant carriers;

(I) strollers;

(J) walkers;

(K) swings; and

(L) bassinets and cradles.

Public Law 110–314, section 104(f).

The infant inclined sleep products safety standard is an outgrowth of the bassinet safety standard. When considering the bassinet standard, the Commission stated that a separate standard targeted specifically to inclined sleep products would more effectively address the hazards associated with those products. 77 FR 64055, 64059 (Oct. 18, 2012). Therefore, CPSC staff began working with ASTM to develop a voluntary standard that would cover the wide array of products on the market that provide infants and toddlers with inclined sleeping environments. Inclined sleep products, like bassinets, are thus durable products within the meaning of section 104 of the CPSIA.

Because the inclined sleep product standard is an outgrowth of the bassinet standard, inclined sleep products may be considered a sub-category of bassinets. To provide greater clarity that inclined sleep products are durable infant or toddler products, the Commission proposes to amend the Commission's consumer registration rule to explicitly include inclined sleep products.

In 2009, the Commission issued a rule implementing the consumer registration requirement. 16 CFR part 1130. As the CPSIA directs, the consumer registration rule requires each manufacturer of a durable infant or toddler product to: provide a postage-paid consumer registration form with each product; keep records of consumers who register their products with the manufacturer; and permanently place the manufacturer's name and certain other identifying information on the product. When the Commission issued the consumer registration rule, the Commission identified six additional products as ''durable infant or toddler products'':

- Children's folding chairs;
- changing tables;
- infant bouncers;
- infant bathtubs;
- bed rails; and
- infant slings.

16 CFR 1130.2. The Commission stated that the specified statutory categories were not exclusive, but that the Commission should explicitly identify the product categories that are covered. The preamble to the 2009 final consumer registration rule states: ''Because the statute has a broad

definition of a durable infant or toddler product but also includes 12 specific product categories, additional items can and should be included in the definition, but should also be specifically listed in the rule.'' 74 FR 68668, 68669 (Dec. 29, 2009).

In this document, the Commission proposes to amend the definition of ''durable infant or toddler product'' in the consumer registration rule to clarify that inclined sleep products fall within the term ''durable infant or toddler product'' as used in the product registration card rule and section 104 of the CPSIA.

X. Incorporation by Reference

The Commission proposes to incorporate by reference ASTM F3118–17, with one modification to the standard, discussed above. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. For a proposed rule, agencies must discuss in the preamble of the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons or how the agency worked to make the materials reasonably available. In addition, the preamble of the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR's requirements, section V.B. of this preamble summarizes the provisions of ASTM F3118–17 that the Commission proposes to incorporate by reference. ASTM F3118–17 is copyrighted. By permission of ASTM, the standard can be viewed as a read-only document during the comment period on this NPR, at: *http://www.astm.org/cpsc.htm.* Interested persons may also purchase a copy of ASTM F3118–17 from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org/cpsc.htm.* One may also inspect a copy at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

XI. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). ASTM F3118–17 is a new voluntary standard that covers a variety of products whose manufacturers may not be aware that their product must comply. The Commission is proposing to incorporate by reference ASTM F3118–17, with one modification. To allow time for infant inclined sleep product manufacturers to bring their products into compliance after a final rule is issued, the Commission is proposing an effective date of 12 months after publication of the final rule in the **Federal Register** for products manufactured or imported on or after that date. The Commission believes that most firms should be able to comply with the 12-month timeframe, but asks for comments on the proposed 12-month effective date. We also propose a 12-month effective date for the amendments to parts 1112 and 1130.

XII. Regulatory Flexibility Act

A. Introduction

The Regulatory Flexibility Act (RFA) requires that agencies review a proposed rule for the rule's potential economic impact on small entities, including small businesses. Section 603 of the RFA generally requires that agencies prepare an initial regulatory flexibility analysis (IRFA) and make the analysis available to the public for comment when the agency publishes an NPR. 5 U.S.C. 603. Section 605 of the RFA provides that an IRFA is not required if the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Staff could not rule out a significant economic impact for six of the 10 known small suppliers of inclined sleep products to the U.S. market. Accordingly, staff prepared an IRFA and poses several questions for public comment to help staff assess the rule's potential impact on small businesses.

The IRFA must describe the impact of the proposed rule on small entities and identify significant alternatives that accomplish the statutory objectives and minimize any significant economic impact of the proposed rule on small entities. Specifically, the IRFA must contain:

- A description of the reasons why action by the agency is being considered;
- a succinct statement of the objectives of, and legal basis for, the proposed rule;
- a description of, and where feasible, an estimate of the number of small entities to which the proposed rule will apply;
- a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities subject to the requirements and the type of professional skills necessary for the preparation of reports or records; and
- identification, to the extent possible, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule; and

In addition, the IRFA must describe any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities.

B. Market Description

The Commission has identified 25 firms supplying inclined sleep products to the U.S. market. Sixteen of these firms produce infant hammocks. The majority of the 25 known firms (including 12 manufacturers and five importers) are domestic. The remaining eight firms (seven manufacturers and one retailer) are foreign.

C. Reason for Agency Action and Legal Basis for Proposed Rule

As discussed in section I. of this preamble, section 104 of the CPSIA requires the CPSC to promulgate consumer product safety standards for durable infant or toddler products that are substantially the same as, or more stringent than, the relevant voluntary standard. As explained in section IX of this preamble, ASTM's standard for infant inclined sleep products developed out of CPSC's efforts on bassinets. CPSC and ASTM determined that a separate standard was necessary for these products.

D. Impact of Proposed 16 CFR Part 1236 on Small Businesses

CPSC staff is aware of approximately 25 firms currently marketing inclined sleep products in the United States, 17 of which are domestic. Under U.S. Small Business Administration (SBA) guidelines, a manufacturer of inclined sleep products is considered small if it has 500 or fewer employees; and importers and wholesalers are considered small if they have 100 or fewer employees. Staff limited its analysis to domestic firms because SBA guidelines and definitions pertain to U.S.-based entities. Based on these guidelines, 14 of the 17 domestic firms are small—10 manufacturers and four importers. Additional unknown small domestic inclined product suppliers may be operating in the U.S. market.

1. Small Manufacturers

i. Small Manufacturers With Compliant Inclined Sleep Products

Of the ten small manufacturers, three produce inclined sleep products that are likely to comply with ASTM F3118–17 which is in effect for testing purposes

under the Juvenile Product Manufactures Association (JPMA) certification program. Although only one large firm is currently listed on the JPMA Web site as having certified inclined sleep products, we expect the products of these three small manufacturers to comply because the firms were involved in the standard's development. In general, staff expects that small manufacturers whose inclined sleep products comply with the current voluntary standard will remain compliant with the voluntary standard as it evolves, because they follow and, in this case, actively participate in the standard development process. Therefore, compliance with the voluntary standard is part of an established business practice. ASTM F3118–17 is the version of the voluntary standard upon which the staff-recommended mandatory standard is based; therefore, we expect these firms are already in compliance.

In light of the expectation that these firms will already be complying with ASTM F3118–17 by the time it becomes effective, and that none would be impacted by the proposed change to the definition of an ''accessory inclined sleep product,'' the economic impact of the proposed rule should be small for the three small domestic manufacturers supplying compliant inclined sleep products to the U.S. market.

ii. Small Manufacturers With Noncompliant Inclined Sleep Products

Seven small manufacturers (two of which would only be included due to the proposed change to the definition of an ''accessory inclined sleep product'') produce inclined sleep products that do not comply with the voluntary standard. CPSC cannot rule out a significant economic impact for six small manufacturers, but was able to rule out a significant impact for one small manufacturer (one of the manufacturers that the standard covers only as a result of CPSC's proposed modification). These firms may not be aware of the ASTM voluntary standard or may believe that their product falls outside the scope of the standard. All six firms are likely to require modifications, some of which may be significant, to meet the base requirements of the voluntary standard. Four of these firms (two of which would be covered by the standard as a result of the proposed modification to the standard) may not currently have warning labels or instruction manuals for their products, and therefore may be required to make modifications to comply with the ASTM standard.

The extent and cost of the changes that these firms would be required to make to comply with the standard cannot be determined and, therefore, staff cannot rule out a significant economic impact. Additionally, the four firms that do not currently have warning labels or instruction manuals for their products appear to very small, supplying very few products in very low quantities. The cost of developing warning labels and instruction manuals is, therefore, more likely to have a significant economic impact on these firms, as their resources may be more limited.

Additionally, staff believes that as many as five of the seven firms with noncompliant inclined sleep products may not be aware of the inclined sleep products voluntary standard, which could increase the time period required for firms to come into compliance. The Commission proposes a longer than usual effective date of 12 months to give firms time to familiarize themselves with the scope of the new standard and develop new/modified products if needed.

The Commission requests information on the changes that may be required to meet the voluntary standard ASTM F3118–17, in particular whether redesign or retrofitting would be necessary, as well as the associated costs and time frame for the changes.

Third Party Testing Costs for Small Manufacturers

Under section 14 of the CPSA, when new inclined sleep product requirements become effective, all manufacturers will be subject to the third party testing and certification requirements under the 1107 rule. Third party testing will include any physical and mechanical test requirements specified in the final inclined sleep products rule. Manufacturers and importers should already be conducting required lead testing for inclined sleep products. Third party testing costs are in addition to the direct costs of meeting the inclined sleep product standard.

Three of the small inclined sleep product manufacturers are already testing their products to verify compliance with the ASTM standard, though not necessarily by a third party. For these manufacturers, the impact to testing costs would be limited to the difference between the cost of third party tests and the cost of current testing regimes. Staff contacted manufacturers of inclined sleep products. They estimate that third party testing inclined sleep products to the ASTM voluntary standard would cost about $300 to $1,000 per model sample. For the three small manufacturers that are already testing, the incremental costs are unlikely to be economically significant, and informal discussions with several firms actively participating in the ASTM voluntary standard development process suggest such.

For the seven small manufacturers that are not currently testing their products to verify compliance with the ASTM standard, the impact of third party testing, by itself, could result in significant costs for one firm. Staff made this determination based on an examination of firm revenues from recent Dun & Bradstreet or ReferenceUSAGov reports. Although staff does not know how many samples will be needed to meet the ''high degree of assurance'' criterion required in the 1107 rule, testing costs could exceed one percent of gross revenue with as few as four samples tested for this firm (assuming high-end testing costs of $1,000 per model sample). Revenue information was not available for the four small manufacturers and, therefore, no impact evaluation could be made. All four firms are very small, however, so staff cannot rule out a significant impact.

The Commission welcomes comments regarding overall testing costs and incremental costs due to third party testing (*i.e.,* how much does moving from a voluntary to a mandatory third party testing regime add to testing costs, in total and on a per test basis). In addition, the Commission welcomes comments regarding the number of inclined sleep product units that typically need to be tested to provide a ''high degree of assurance.''

2. Small Importers

Four small importers supply inclined sleep products to the U.S. market (two of which are multi-use products that the clarified scope is meant to address); none of their products comply with the ASTM voluntary standard. Staff has insufficient information to rule out a significant impact for these firms, particularly given the lack of sales revenue data. Whether there is a significant economic impact will depend upon the extent of the changes required to come into compliance and the response of their supplying firms. Manufacturers may pass onto importers any increase in production costs that manufacturers incur as a result of changes made to meet the mandatory standard. These costs would include those associated with coming into compliance with the voluntary standard, as well as those associated with the proposed modification to the voluntary standard.

Two of the four known importers are tied directly to their foreign suppliers. Therefore, finding an alternative supply source would not be a viable alternative. However, the foreign suppliers to these firms may have an incentive to work with their U.S. distributors to maintain an American market presence. Discontinuing the sale of inclined sleep products would likely have a significant impact on one of these firms because their entire product line consists of inclined sleep products and accessory products. The remaining two small importers do not supply many other products, and as a result, discontinuing the sale of inclined sleep products could have a significant impact on those firms as well.

As with manufacturers, importers will be subject to third party testing and certification requirements, and consequently, will be subject to costs similar to those for manufacturers if their supplying foreign firm(s) does not perform third party testing. The four known small importers do not currently test their products to verify compliance with the ASTM standard. Therefore, the full extent of third party testing costs would be due to these small importers having to comply with a mandatory standard (and not related to CPSC's proposed modification to the standard). Based on the revenue data available, it does not appear that third party testing will have a significant impact on one of the four small importers. However, there was no revenue data available for the remaining three small importers of inclined sleep products not believed to comply with the voluntary ASTM standard. Therefore, we had no basis for evaluating the size of the impact on that firm.

3. Summary

In summary, based upon current information, we cannot rule out a significant economic impact for six of the ten firms operating in the U.S. market for inclined sleep products. The 12-month proposed effective date would help to spread costs over a longer time-frame.

4. Alternatives

At least three alternatives are available to minimize the economic impact on small entities supplying inclined sleep products while also meeting the statutory objectives:

i. Adopt ASTM F3118–17 With No Modifications

Section 104 of the CPSIA requires that the Commission promulgate a standard that is either substantially the same as the voluntary standard or more stringent if the Commission determines that more stringent standards would further reduce the risk of injury. Therefore, adopting ASTM F3118–17 with no modifications is the least stringent rule that could be promulgated for inclined sleep products. Although it would not reduce the testing costs triggered by the rule, this alternative would eliminate any economic impact on the two firms that would be subject to the rule as a result of the proposed modification to the definition of ''accessory inclined sleep product.'' However, adopting ASTM F3118–17 with no modifications would not address the risk of injuries and death in what are clearly inclined sleep product accessories except that they do not have rigid frames. Additionally, the impact on one of these firms would be limited to warning label and instructional literature changes.

ii. Allow a Later Effective Date

The Commission could reduce the proposed rule's impact on small businesses by setting a later effective date. A later effective date would reduce the economic impact on firms in two ways. Firms would be less likely to experience a lapse in production/importation, which could result if they are unable to bring their products into compliance and certify compliance based on third party tests within the required timeframe. Also, firms could spread the costs of developing compliant products over a longer time period, thereby reducing their annual costs, as well as the present value of their total costs (*i.e.,* they could time their spending to better accommodate their individual circumstances). The Commission believes that the proposed 12-month effective date would allow firms that may not be aware of the ASTM voluntary standard or may believe that their product falls outside the scope of the standard time to make this determination and bring their products into compliance. However, an even later effective date would further reduce these costs.

iii. Time the Effective Date for Warning Labels and Instruction Manuals To Coincide With the Timing of Model Changes in the Durable Nursery Product Market

The Commission could time the effective date for warning labels and instruction manuals to coincide with the timing of model changes in the durable nursery product market. This alternative may reduce the impact on all of the known small businesses supplying inclined sleep products to the U.S. market. In particular, this timing could reduce costs associated with inventory issues that may result from changes that companies may need to make to warning labels and instruction manuals that are keyed to model and SKU numbers. The Commission requests comments on the extent of cost savings that may result from timing the effective date of the rule to coincide with the timing of model changes within the industry.

E. Impact of Proposed 16 CFR Part 1112 Amendment on Small Businesses

This proposed rule would also amend part 1112 to add inclined sleep products to the list of children's products for which the Commission has issued an NOR. As required by the RFA, staff conducted a Final Regulatory Flexibility Analysis (FRFA) when the Commission issued the part 1112 rule (78 FR 15836, 15855–58). The FRFA concluded that the accreditation requirements would not have a significant adverse impact on a substantial number of small testing laboratories because no requirements were imposed on test laboratories that did not intend to provide third party testing services. The only test laboratories that were expected to provide such services were those that anticipated receiving sufficient revenue from the mandated testing to justify accepting the requirements as a business decision.

Based on similar reasoning, amending 16 CFR part 1112 to include the NOR for the infant inclined sleep product standard will not have a significant adverse impact on small test laboratories. Moreover, based upon the number of test laboratories in the United States that have applied for CPSC acceptance of accreditation to test for conformance to other mandatory juvenile product standards, we expect that only a few test laboratories will seek CPSC acceptance of their accreditation to test for conformance with the infant inclined sleep product standard. Most of these test laboratories will have already been accredited to test for conformance to other mandatory juvenile product standards, and the only costs to them would be the cost of adding the infant inclined sleep product standard to their scope of accreditation. As a consequence, the Commission certifies that the proposed NOR amending 16 CFR part 1112 to include the infant inclined sleep products standard will not have a significant impact on a substantial number of small entities.

F. Impact of Product Registration Rule, 16 CFR Part 1130, on Small Businesses

As discussed above in Sections I and IX, the Commission proposes to amend

the definition of ''durable infant or toddler product'' in the consumer registration rule to reduce any uncertainty as to whether inclined sleep products are ''durable infant or toddler products.'' The product registration rule requires that firms provide consumers with a postage-paid consumer registration card with each product, although firms may also maintain on-line registration pages as well. The information supplied on the cards (but not necessarily the cards themselves) must be maintained for a minimum of six years.

Of the 14 small domestic firms identified by staff as supplying inclined sleep products to the U.S. market, it is likely that six will not be significantly impacted by the requirements of the product registration rule. Four of the six firms supply combination products, such as play yards with accessory inclined sleep products that are already covered under the product registration rule. All six firms have other products that are already subject to the product registration rule, as well as on-line product registration sites. Therefore, these firms likely already have the infrastructure to maintain the records and would, at most, require cards to be printed for, and shipped with, their inclined sleep products.

To comply with the product registration rule, the remaining eight firms (most of which produce only infant hammocks on a very small scale) would need to develop a postage-paid product registration card for their inclined sleep products, include the card with their other packaged materials, and develop/maintain a system to store the information collected. Each model would require a unique registration card that clearly identifies the product (*e.g.,* model name, model number, product identification number, or other identifier typically used by the firm). For many of the components that would make up the cost for firms that supply inclined sleep products to comply with product registration card requirements, cost would depend on the number of products an inclined sleep products supplier sells annually. Such cost components include card design, paper supplies, cutting and printing, postage, card attachment to product, and data entry, storage, and maintenance for returned cards. The Directorate for Economic Analysis's memorandum at Tab F of the staff's briefing package provides detailed information on the range of costs for individual elements of inclined sleep product suppliers complying with product registration card requirements. [*https://www.cpsc.gov/s3fs-public/Proposed%20Rule%20-%20Safety%20Standard%20for%20Infant%20Inclined%20Sleep%20Products%20-%20March%2022%2C%202017.pdf*] The prices for the inclined sleep products supplied by the eight firms likely to be impacted by the product registration rule range from $30 to $250. Firms selling inclined sleep products on the high end of that range may be able to easily absorb these costs if they sell a larger volume (for example, a $1.10 per product cost increase represents about 0.004% of a $250 inclined sleep product), while it may be more difficult for a company selling their inclined sleep products for $30 to absorb or pass on their cost increase even if they are a relatively high volume firm (a $1.10 per product cost increase represents about 0.037% of a $30 inclined sleep product).

XIII. Environmental Considerations

The Commission's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. Under these regulations, certain categories of CPSC actions normally have ''little or no potential for affecting the human environment,'' and therefore do not require an environmental assessment or an environmental impact statement. Safety standards providing requirements for products come under this categorical exclusion. 16 CFR 1021.5(c)(1). The proposed rule falls within the categorical exclusion.

XIV. Paperwork Reduction Act

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth:

- A title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;
- an estimate of the burden that shall result from the collection of information; and
- notice that comments may be submitted to the OMB.

Title: Safety Standard for Infant Inclined Sleep Products.

Description: The proposed rule would require each inclined sleep product to comply with ASTM F3118–17, *Standard Consumer Safety Specification for Infant Inclined Sleep Products,* with one modification. Sections 8 and 9 of ASTM F3118–17 contain requirements for marking, labeling, and instructional literature. These requirements fall within the definition of ''collection of information,'' as defined in 44 U.S.C. 3502(3).

Description of Respondents: Persons who manufacture or import infant inclined sleep products.

Estimated Burden: We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1236	25	2	50	1	50

Our estimate is based on the following:

Twenty-five known entities supply inclined sleep products to the U.S. market may need to make some modifications to their existing warning labels. We estimate that the time required to make these modifications is about 1 hour per model. Based on an evaluation of supplier product lines, each entity supplies an average of 2 models of inclined sleep products; therefore, the estimated burden associated with labels is 1 hour per model × 25 entities × 2 models per entity = 50 hours. We estimate the hourly compensation for the time required to create and update labels is $33.30 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' September 2016, Table

9, total compensation for all sales and office workers in goods-producing private industries: *http://www.bls.gov/ncs/*). Therefore, the estimated annual cost to industry associated with the labeling requirements is $1,665 ($33.30 per hour × 50 hours = $1,665). No operating, maintenance, or capital costs are associated with the collection.

Section 9.1 of ASTM F3118–17 requires instructions to be supplied with the product. Under the OMB's regulations (5 CFR 1320.3(b)(2)), the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the ''normal course of their activities'' are excluded from a burden estimate, where an agency demonstrates that the disclosure activities required to comply are ''usual and customary.'' We are unaware of inclined sleep products that generally require use instructions but lack such instructions. However, it is possible that some firms selling homemade infant hammocks on a very small scale may not supply instruction manuals as part of their ''normal course of activities.'' Based on information collected for the infant slings rulemaking, staff tentatively estimates that each small entity supplying homemade infant hammocks might require 50 hours to develop an instruction manual to accompany their products. It is uncertain how many homemade infant hammock suppliers are in operation at any point in time, but based on staff's review of the marketplace, 50 firms seems like a reasonable outside bound. These firms typically supply only one infant hammock model. Therefore, the costs of designing an instruction manual for these firms could be as high as $82,550 (50 hours per model × 50 entities × 1 models per entity = 2,500 hours × $33.02 per hour = $82,550). Not all firms would incur these costs every year, but new firms that enter the market would and this is a highly fluctuating market. Other firms are estimated to have no burden hours associated with section 9.1 of ASTM F3118–17 because any burden associated with supplying instructions with inclined sleep products would be ''usual and customary'' and not within the definition of ''burden'' under the OMB's regulations.

Based on this analysis, staff estimates that the proposed standard for inclined sleep products would impose a burden to industry of 2,550 hours at a cost of $84,915 annually.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted the information collection requirements of this rule to the OMB for review. Interested persons are requested to submit comments regarding information collection by May 8, 2017, to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this notice). Pursuant to 44 U.S.C. 3506(c)(2)(A), we invite comments on:

- Whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility;
- the accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- ways to enhance the quality, utility, and clarity of the information to be collected;
- ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and
- the estimated burden hours associated with label modification, including any alternative estimates.

XV. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that when a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a standard or regulation that prescribes requirements for the performance, composition, contents, design, finish, construction, packaging, or labeling of such product dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules.'' Therefore, the preemption provision of section 26(a) of the CPSA would apply to a rule issued under section 104.

XVI. Request for Comments

This NPR begins a rulemaking proceeding under section 104(b) of the CPSIA to issue a consumer product safety standard for inclined sleep products, to amend part 1112 to add inclined sleep products to the list of children's product safety rules for which the CPSC has issued an NOR, and to amend part 1130 to identify inclined sleep products as a durable infant or toddler product subject to CPSC consumer registration requirements. We invite all interested persons to submit comments on any aspect of this proposal. In addition to requests for specific comments elsewhere in this NPR, the Commission requests comments on the standard's scope language, the proposed effective date, and the costs of compliance with, and testing to, the proposed inclined sleep products safety standard. During the comment period, the ASTM F3118–17 Standard Consumer Safety Specification for Infant Inclined Sleep Products, is available as a read-only document at: *http://www.astm.org/cpsc.htm.*

Comments should be submitted in accordance with the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third party conformity assessment body.

16 CFR Part 1130

Administrative practice and procedure, Business and industry, Consumer protection, Reporting and recordkeeping requirements.

16 CFR Part 1236

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, and Toys.

For the reasons discussed in the preamble, the Commission proposes to amend Title 16 of the Code of Federal Regulations as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 continues to read as follows:

Authority: 15 U.S.C. 2063; Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008).

■ 2. Amend § 1112.15 by adding paragraph (b)(46) to read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule and/or test method?

* * * * *

(b) * * *

(46) 16 CFR part 1236, Safety Standard for Infant Inclined Sleep Products.

* * * * *

■ 3. The authority citation for part 1130 continues to read as follows:

Authority: 15 U.S.C. 2056a, 2056(b).

■ 4. Amend § 1130.2 by adding paragraph (a)(19) to read as follows:

PART 1130—REQUIREMENTS FOR CONSUMER REGISTRATION OF DURABLE INFANT OR TODDLER PRODUCTS

§ 1130.2 Definitions.

* * * * *

(a) * * *

(19) Infant inclined sleep products.

* * * * *

■ 5. Add part 1236 to read as follows:

PART 1236—SAFETY STANDARD FOR INFANT INCLINED SLEEP PRODUCTS

Sec.

1236.1 Scope.

1236.2 Requirements for infant inclined sleep products.

Authority: Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (August 14, 2008); Sec. 3, Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

§ 1236.1 Scope.

This part establishes a consumer product safety standard for infant inclined sleep products, including newborn inclined sleep products, compact inclined sleep products, and accessory inclined sleep products.

§ 1236.2 Requirements for infant inclined sleep products.

(a) Except as provided in paragraph (b) of this section, each infant inclined sleep product must comply with all applicable provisions of ASTM F3118–17, Standard Consumer Safety Specification for Infant Inclined Sleep Products (approved on January 1, 2017). The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org/cpsc.htm.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federalregulations/ibr_locations.html.*

(b) Instead of complying with section 3.1.1 of ASTM F3118–17, comply with the following:

(1) 3.1.1 accessory inclined sleep product, n—an inclined sleep product that is intended to provide sleeping accommodations for infants or newborns and attaches to or is supported by another product.

(2) [Reserved]

Dated: April 3, 2017.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2017–06875 Filed 4–6–17; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

[SATS No. AL–080–FOR; Docket ID: OSM–2016–0011; S1D1S SS08011000 SX064A000 178S180110; S2D2S SS08011000 SX064A000 17XS501520]

Alabama Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Alabama Abandoned Mine Land Reclamation (AMLR) Plan (hereinafter, the Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alabama proposes revisions to modernize its Plan, which remains largely unchanged since its approval on May 20, 1982, and encompass the November 14, 2008, changes to the Federal regulations.

This document gives the times and locations that the Alabama Plan and proposed amendment to that plan are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., c.t., May 8, 2017. If requested, we will hold a public hearing on the amendment on May 2, 2017. We will accept requests to speak at a hearing until 4:00 p.m., c.t. on April 24, 2017.

ADDRESSES: You may submit comments, identified by SATS No. AL–080–FOR by any of the following methods:

- Mail/*Hand Delivery:* Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209.
- *Fax:* (205) 290–7280.
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM–2016–0008. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Alabama Plan, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Birmingham Field Office or the full text of the plan amendment is available for you to review at *www.regulations.gov.*

Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290–7282, Email: *swilson@osmre.gov.*

In addition, you may review a copy of the amendment during regular business hours at the following location:

Alabama Department of Labor, Abandoned Mine Land Reclamation Program, 11 West Oxmoor Road, Suite 100, Birmingham, Alabama 35209, Telephone: (205) 945–8671.

FOR FURTHER INFORMATION CONTACT: Sherry Wilson, Director, Birmingham Field Office. Telephone: (205) 290–7282. Email: *swilson@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Plan
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Alabama Plan

The Abandoned Mine Land Reclamation Program was established by Title IV of the Act, (30 U.S.C. 1201 *et seq.*) in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned

coal mines and for other authorized activities. Section 405 of the Act allows States and Indian tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary of the Interior for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mines. On May 20, 1982, the Secretary of the Interior approved the Alabama Plan. You can find background information on the Alabama Plan, including the Secretary's findings, the disposition of comments, and the approval of the Plan in the May 20, 1982, **Federal Register** (47 FR 22057). You can find later actions concerning the Alabama Plan and amendments to the Plan at 30 CFR 901.20 and 901.25.

II. Description of the Proposed Amendment

By email dated June 07, 2016 (Administrative Record No. AL–0670), Alabama sent us an amendment to its Plan under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Below is a summary of the changes proposed by Alabama. The full text of the Plan amendment is available for you to read at the locations listed above under **ADDRESSES**.

Code of Alabama Section 9–16–79 Hearing and Appeals; Procedures

Alabama proposes to revise its Plan by modernizing it and encompassing the November 14, 2008, changes to the Federal regulations. The revised Plan addresses all the Federal requirements found in 30 CFR 884.13 regarding content of proposed State reclamation plans.

III. Public Comment Procedures

We are seeking your comments on whether the amendment satisfies the applicable plan approval criteria of 30 CFR 884.15. If we approve the amendment, it will become part of the State Plan.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed Plan, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final Plan will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

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.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.t. on April 24, 2017. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rulemaking is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a plan amendment to OSMRE for review, our regulations at 30 CFR 884.14 and 884.15 require us to hold a public hearing on a plan amendment if it changes the objectives, scope or major policies followed, or make a finding that the State provided adequate notice and opportunity for public comment. Alabama has elected to have OSMRE publish a notice in the **Federal Register** indicating receipt of the proposed amendment and soliciting comments. We will conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 22, 2017.

Alfred L. Clayborne,

Regional Director, Mid-Continent Region.

[FR Doc. 2017–06997 Filed 4–6–17; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0149]

RIN 1625–AA00

Safety Zones; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish five new fireworks display safety zones at various locations in the Sector Columbia River Captain of the Port zone. In addition to adding new fireworks display safety zones, this

proposed rulemaking would consolidate existing safety zones into one regulation and eliminate one safety zone listed in two regulations. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 8, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0149 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Laura Springer, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *msupdxwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

Our regulation for safety zones for fireworks displays in the Sector Columbia River Captain of the Port Zone, 33 CFR 165.1315, was last revised (80 FR 29949, May 26, 2015) in 2015. After receiving five new marine event permit applications for fireworks displays for the 2017 season, we determined that they should be added to existing safety zones in § 165.1315, where reoccurring fireworks displays are listed in a table format.

The proposed safety zones are being implemented to help ensure the safe navigation of maritime traffic in the Sector Columbia River Area of Responsibility during fireworks displays. Fireworks displays create hazardous conditions for the maritime public because of the large number of vessels near the displays, as well as the noise, falling debris, and explosions that occur during the event. Because firework discharge sites pose a potential hazard to the maritime public, these safety zones are necessary in order to restrict vessel movement and reduce vessel congregation in the proximity of the firework discharge sites.

III. Discussion of Proposed Rule

The Coast Guard proposes to add five new fireworks display safety zones to revise 33 CFR 165.1315 to include the locations listed in the table below. The added safety zones would cover all waters of the Oregon coast, Tillamook Bay, the Columbia River and its tributaries, and the Clatskanie River, within a 450 yard radius of the launch site at the approximate locations listed in the following table:

Bandon 4th of July	Bandon, OR	One day in July	43°07′29″ N	124°25′05″ W.
Garibaldi Days Fireworks	Garibaldi, OR	One day in July	45°33′13″ N	123°54′56″ W.
Bald Eagle Days	Cathlamet, WA	One day in July	46°12′14″ N	123°23′17″ W.
Veterans Day Celebration	The Dalles, OR	One day in November	45°36′18″ N	121°10′34″ W.
Clatskanie Heritage Days Fireworks	Clatskanie, OR	One Day in July	46°6′17″ N	123°12′02″ W.

Additionally, the Coast Guard proposes to consolidate two fireworks display safety zones into the table in 33 CFR 165.1315. The Fort Vancouver fireworks safety zone, 33 CFR 165.1314, and Astoria Regatta fireworks safety zone, 33 CFR 165.1316, would be incorporated into the table and removed as separate regulations. Currently, the Astoria Regatta fireworks safety zone is listed both in 33 CFR 165.1316 and 33 CFR 165.1315. The table in 33 CFR 165.1315 has also been reordered chronologically. These actions will eliminate any confusion caused by the current configuration.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zones. Vessel traffic would be able to safely transit around these safety zones which would impact small designated areas of the Oregon coast, Tillamook Bay, the Columbia River and its tributaries, and the Clatskanie River for less than 1 hour during the evening when commercial vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

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 proposed rule would 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 IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed rule has implications for federalism or Indian Tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed 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 made a preliminary determination 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 proposed rule involves safety zones that are approximately 1 hour in duration and would prohibit entry within 450 yards of the launch sites. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

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 proposes to amend 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.

§ 165.1314 [Removed].

■ 2. Remove §§ 165.1314.

■ 3. Revise § 165.1315 to read as follows:

§ 165.1315 Safety Zone; Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone.

(a) *Safety zones.* The following areas are designated safety zones: Waters of the Columbia River and its tributaries, waters of the Siuslaw River, Yaquina River, Umpqua River, Clatskanie River, Tillamook Bay and waters of the Washington and Oregon Coasts, within a 450 yard radius of the launch site at the approximate locations listed in the following table:

Event name (typically)	Event location	Date of event	Latitude	Longitude
Cinco de Mayo Fireworks	Portland, OR	One day in May	45°30′58″ N	122°40′12″ W.
Portland Rose Festival Fireworks	Portland, OR	One day in May or June	45°30′58″ N	122°40′12″ W.
Newport High School Graduation Fireworks	Newport, OR	One day in June	44°36′48″ N	124°04′10″ W.

Event name (typically)	Event location	Date of event	Latitude	Longitude
Tri-City Chamber of Commerce Fireworks/River of Fire Festival.	Kennewick, WA	One day in July	46°13′37″ N	119°08′47″ W.
Astoria-Warrenton 4th of July Fireworks	Astoria, OR	One day in July	46°11′34″ N	123°49′28″ W.
Waterfront Blues Festival Fireworks	Portland, OR	One day in July	45°30′42″ N	122°40′14″ W.
Florence Independence Day Celebration	Florence, OR	One day in July	43°58′09″ N	124°05′50″ W.
Oaks Park Association 4th of July	Portland, OR	One day in July	45°28′22″ N	122°39′59″ W.
City of Rainier/Rainier Days	Rainier, OR	One day in July	46°05′46″ N	122°56′18″ W.
Ilwaco July 4th Committee Fireworks/Independence Day at the Port.	Ilwaco, OR	One day in July	46°18′17″ N	124°02′00″ W.
Celebrate Milwaukie	Milwaukie, OR	One day in July	45°26′33 N	122°38′44″ W.
Splash Aberdeen Waterfront Festival	Aberdeen, WA	One day in July	46°58′40″ N	123°47′45″ W.
City of Coos Bay July 4th Celebration/Fireworks Over the Bay.	Coos Bay, OR	One day in July	43°22′06″ N	124°12′24″ W.
Arlington 4th of July	Arlington, OR	One day in July	45°43′23″ N	120°12′11 W.
East County 4th of July Fireworks	Gresham, OR	One day in July	45°33′32″ N	122°27′10″ W.
Port of Cascade Locks 4th of July Fireworks	Cascade Locks, OR	One day in July	45°40′15″ N	121°53′43″ W.
Clatskanie Heritage Days Fireworks	Clatskanie, OR	One Day in July	46°6′17″ N	123°12′02″ W.
Washougal 4th of July	Washougal, WA	One day in July	45°34′32″ N	122°22′53″ W.
City of St. Helens 4th of July Fireworks	St. Helens, OR	One day in July	45°51′54″ N	122°47′26″ W.
Waverly Country Club 4th of July Fireworks	Milwaukie, OR	One day in July	45°27′03″ N	122°39′18″ W.
Hood River 4th of July	Hood River, OR	One day in July	45°42′58″ N	121°30′32″ W.
Rufus 4th of July Fireworks	Rufus, OR	One day in July	45°41′39″ N	120°45′16″ W.
Winchester Bay 4th of July Fireworks	Winchester Bay, OR	One day in July	43°40′56″ N	124°11′13″ W.
Brookings, OR July 4th Fireworks	Brookings, OR	One day in July	42°02′39″ N	124°16′14″ W.
Maritime Heritage Festival	St. Helens, OR	One day in July	45°51′54″ N	122°47′26″ W.
Lynch Picnic	West Linn, OR	One day in July	45°23′37″ N	122°37′52″ W.
Yachats 4th of July	Yachats, OR	One day in July	44°18′38″ N	124°06′27″ W.
Lincoln City 4th of July	Lincoln City, OR	One day in July	44°55′28″ N	124°01′31″ W.
July 4th Party at the Port of Gold Beach	Gold Beach, OR	One day in July	42°25′30″ N	124°25′03″ W.
Gardiner 4th of July	Gardiner, OR	One day in July	43°43′55″ N	124°06′48″ W.
Huntington 4th of July	Huntington, OR	One day in July	44°18′02″ N	117°13′33″ W.
Toledo Summer Festival	Toledo, OR	One day in July	44°37′08″ N	123°56′24″ W.
Port Orford 4th of July	Port Orford, OR	One day in July	42°44′31″ N	124°29′30″ W.
The Dalles Area Fourth of July	The Dalles, OR	One day in July	45°36′18″ N	121°10′23″ W.
Roseburg Hometown 4th of July	Roseburg, OR	One day in July	43°12′58″ N	123°22′10″ W.
Newport 4th of July	Newport, OR	One day in July	44°37′40″ N	124°02′45″ W.
Cedco Inc./The Mill Casino Independence Day	North Bend, OR	One day in July	43°23′42″ N	124°12′55″ W.
Waldport 4th of July	Waldport, OR	One day in July	44°25′31″ N	124°04′44″ W.
Westport 4th of July	Westport, WA	One day in July	46°54′17″ N	124°05′59″ W.
The 4th of July at Pekin Ferry	Ridgefield, WA	One day in July	45°52′07″ N	122°43′53″ W.
Bandon 4th of July	Bandon, OR	One day in July	43°07′29″ N	124°25′05″ W.
Garibaldi Days Fireworks	Garibaldi, OR	One day in July	45°33′13″ N	123°54′56″ W.
Bald Eagle Days	Cathlamet, WA	One day in July	46°12′14″ N	123°23′17″ W.
Independence Day at the Fort Vancouver	Vancouver, WA	One Day in July	45°36′57″ N	122°40′09″ W.
Oregon Symphony Concert Fireworks	Portland, OR	One day in August or September.	45°30′42″ N	122°40′14″ W.
Astoria Regatta	Astoria, OR	One day in August	46°11′34″ N	123°49′28″ W.
First Friday Milwaukie	Milwaukie, OR	One day in September	45°26′33″ N	122°38′44″ W.
Leukemia and Lymphoma Light the Night Fireworks.	Portland, OR	One day in October	45°31′14″ N	122°40′06″ W.
Willamette Falls Heritage Festival	Oregon City, OR	One day in October	45°21′44″ N	122°36′21″ W.
Veterans Day Celebration	The Dalles, OR	One day in November	45°36′18″ N	121°10′34″ W.

(b) *Special requirements.* Fireworks barges or launch sites on land used in locations stated in this section must display a sign. The sign will be affixed to the port and starboard side of the barge or mounted on a post 3 feet above ground level when on land and in close proximity to the shoreline facing the water labeled ''FIREWORKS—DANGER—STAY AWAY.'' This will provide on-scene notice that the safety zone is, or will, be enforced on that day. This notice will consist of a diamond shaped sign, 4-foot by 4-foot, with a 3-inch orange retro-reflective border. The word ''DANGER'' will be 10-inch black block letters centered on the sign with the words ''FIREWORKS'' and ''STAY AWAY'' in 6-inch black block letters placed above and below the word ''DANGER'' respectively on a white background. An on-scene patrol vessel may enforce these safety zones at least 1 hour prior to the start and 1 hour after the conclusion of the fireworks display.

(c) *Notice of enforcement.* These safety zones will be activated and thus subject to enforcement, under the following conditions: The Coast Guard must receive an Application for Marine Event for each fireworks display; and, the Captain of the Port will cause notice of the enforcement of these safety zones to be made by all appropriate means to provide notice to the affected segments of the public as practicable, in accordance with 33 CFR 165.7(a). The Captain of the Port will issue a Local Notice to Mariners notifying the public of activation and suspension of enforcement of these safety zones. Additionally, an on-scene Patrol Commander may be appointed to enforce the safety zones by limiting the transit of non-participating vessels in the designated areas described above.

(d) *Enforcement periods.* This section will be enforced at least 1 hour before

and 1 hour after the duration of the event each day a barge or launch site with a ''FIREWORKS—DANGER—STAY AWAY'' sign is located within any of the safety zones identified in paragraph (a) of this section and meets the criteria established in paragraphs (b) and (c) of this section.

(e) *Regulations.* In accordance with the general regulations in 33 CFR part 165, subpart C, no person may enter or remain in the safety zone created in this section or bring, cause to be brought, or allow to remain in the safety zone created in this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated representative. The Captain of the Port may be assisted by other Federal, State, or local agencies with the enforcement of the safety zone.

(f) *Authorization.* All vessel operators who desire to enter the safety zone must obtain permission from the Captain of the Port or Designated Representative by contacting either the on-scene patrol craft on VHF Ch 13 or Ch 16 or the Coast Guard Sector Columbia River Command Center via telephone at (503) 861–6211.

§ 165.1316 [Removed].

■ 4. Remove § 165.1316.

Dated: April 3, 2017.

D.F. Berliner,

Captain, U.S. Coast Guard, Acting Captain of the Port, Sector Columbia River.

[FR Doc. 2017–06942 Filed 4–6–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0370; EPA–R05–OAR–2016–0371; FRL–9960–89–Region 5]

Air Plan Approval; Indiana; Base Year Emissions Inventory and Emissions Statement Rule Certification for Lake and Porter Counties for the 2008 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve two State Implementation Plan (SIP) submissions from the Indiana Department of Environmental Management (IDEM), both dated June 15, 2016. The first addresses emissions inventory requirements for the Indiana portion of the Chicago-Naperville, Illinois-Indiana-Wisconsin (IL-IN-WI) ozone nonattainment area under the 2008 ozone National Ambient Air Quality Standard (NAAQS). The Clean Air Act (CAA) requires emissions inventories for all ozone nonattainment areas. The documented emissions inventory included in Indiana's June 15, 2016, submission meets this CAA requirement. The second submission provides Indiana's certification that its existing Emissions Reporting Rule, previously approved by EPA under a prior ozone standard, satisfies the CAA emissions statement rule requirement for Lake and Porter Counties under the 2008 ozone standard.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0370 (Emissions Statement) or by Docket ID No. EPA–R05–OAR–2016–0371 (Emissions Inventory) at *http://www.regulations.gov* or via email to *Aburano.Douglas@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION, CONTACT: Kathleen D'Agostino, Air Programs Branch (AR–18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *Dagostino.Kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving IDEM's SIP revisions as a direct final rule without prior proposal because EPA views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that, if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information see the direct final rule, which is located in the Rules section of this **Federal Register**.

Dated: March 21, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–06895 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0844; FRL–9960–87–Region 5]

Air Plan Approval; Minnesota; Sulfur Dioxide Limits for Saint Paul Park Refining Co. LLC Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a site-specific state implementation plan revision in Washington County, Minnesota, for Saint Paul Park Refining Co. LLC (Saint Paul Park). This revision includes changes to the ownership and facility name, removal of the ability to burn refinery oil, addition of a new unit, and updates to the modeling parameters for the facility. EPA is approving the SIP revision because it meets Clean Air Act (CAA) section 110(l) requirements.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0844 at *http://www.regulations.gov* or via email to *blakley.pamela@epa.gov.* For comments submitted at *Regulations.gov*, follow the

online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: March 22, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–06883 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0575; FRL–9960–56–Region 4]

Air Plan Approval; Tennessee: Reasonable Measures Required

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on March 25, 1999. The SIP submittal includes a change to the TDEC regulation ''Reasonable Measures Required.'' EPA is proposing to approve this SIP revision because it is consistent with the Clean Air Act and federal regulations governing SIPs.

DATES: Written comments must be received on or before May 8, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2016–0575 at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov*.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: March 15, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–06878 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2015–0148; 4500030113]

RIN 1018–BA86

Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Headwater Chub and Roundtail Chub Distinct Population Segment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), withdraw the proposed rule to list the headwater chub (*Gila nigra*) and a distinct population segment (DPS) of the roundtail chub (*Gila robusta*) from the lower Colorado River basin as threatened species under the Endangered Species Act (Act). This withdrawal is based on a thorough review of the best scientific and commercial data available, which indicate that the headwater chub and

the roundtail chub DPS are not discrete taxonomic entities and do not meet the definition of a species under the Act. These fish are now recognized as a part of a single taxonomic species—the roundtail chub (*Gila robusta*). Because the entities previously proposed for listing are no longer recognized as species, as defined by the Act, we have determined that they are not listable entities and we are withdrawing our proposed rule to add them to the List of Endangered and Threatened Wildlife.

Section 4(b)(6) of the Act and implementing regulations at 50 CFR 424.17 provide that the Service must, within 1 year of a proposed rule to list, delist, or reclassify species, or to designate or revise critical habitat, withdraw the proposal if the available evidence does not justify the proposed action. The document withdrawing the rule must set forth the basis upon which the proposed rule has been found not to be supported by available evidence. Once withdrawn, the action may not be re-proposed unless sufficient new information is available.

FOR FURTHER INFORMATION CONTACT: Steve Spangle, Field Supervisor, U.S. Fish and Wildlife Service, Arizona Ecological Services Office, 9828 North 31st Ave., #C3, Phoenix, AZ 85051–2517; telephone 602–242–0210. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Services at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Previous Federal Action

On October 7, 2015 (80 FR 60754), we published a proposed rule to list the headwater chub and the lower Colorado River basin roundtail chub DPS (roundtail chub DPS) as threatened species under the Act (16 U.S.C. 1531 *et seq.*). On August 15, 2016 (81 FR 54018), we announced a 6-month extension on the final listing determination that the Act allows when there is substantial disagreement regarding the sufficiency or accuracy of the available data, and reopened the comment period on the proposed listings for 30 days. During this comment period we received new information. On November 1, 2016 (81 FR 75801), we reopened the comment period on the proposed listings for an additional 45 days to provide the public additional time to review and consider the proposed rulemakings in light of this new information. As a result of the 6-month extension, the deadline to finalize, modify, or withdraw the proposed rule is April 7, 2017.

For a description of additional previous Federal actions concerning these species, please refer to the October 7, 2015, proposed listing rule (80 FR 60754).

Background

At the time we published our proposed rule (October 7, 2015; 80 FR 60754), the Committee on Names of Fishes, a joint committee of the American Fisheries Society and American Society of Ichthyologists and Herpetologists (the Societies) (Page *et al.* 2013, p. 71), considered headwater chub and roundtail chub to be separate species. As a consortium of fisheries scientists, the American Fisheries Society is the recognized and accepted scientific authority on fish taxonomy. Accordingly, our proposed rule assessed the headwater chub and roundtail chub as separate species. However, commenters on our proposed rule raised questions during the public comment period regarding the taxonomic distinctness of the headwater and roundtail chubs, as related to the Gila chub (*Gila intermedia*). At that time, some scientists knowledgeable about the fish contended that the three entities were not separate species (Carter *et al.* 2016 in press; Copus *et al.* 2016). For this reason, the Arizona Game and Fish Department requested that the Societies evaluate the most recent literature associated with roundtail chub, headwater chub, and Gila chub taxonomy. In their final report to the Arizona Game and Fish Department, the Societies panel concluded that ''no morphological or genetic data define populations of Gila in the lower Colorado River basin (which, as defined by the Service, includes the Little Colorado River, Bill Williams River, Gila River, Verde River, and Salt River drainages) as members of more than one species'' and ''that the data available support recognition of only one species of *Gila,* the roundtail chub, *Gila robusta*'' (Page *et al.* 2016, p. 1). These three fish are now considered by the Societies to be a single species, roundtail chub (*Gila robusta*) because data do not support recognition of three species.

Taxonomy

Introduction

The taxonomic history of the genus *Gila* in the Colorado River basin has changed over time, especially for the three forms (roundtail, headwater, and Gila chub) found in the Gila River basin. These forms have been variously classified as full species, assigned as different species, subspecies of *Gila robusta,* or as part of a ''*Gila robusta* complex'' (Miller 1945; Holden 1968; Rinne 1969; Holden and Stalnaker 1970; Rinne 1976; Smith *et al.* 1977; DeMarais 1986; Rosenfeld and Wilkinson 1989; Dowling and DeMarais 1993; Douglas *et al.* 1998; Minckley and DeMarais 2000; Gerber *et al.* 2001). As noted by nearly all researchers investigating the systematics of *Gila* spp., the taxonomic situation is complicated and problematic (Holden and Stalnaker 1970; Minckley 1973; Minckley and DeMarais 2000; Gerber *et al.* 2001; Schönhuth *et al.* 2014) due to various factors including multiple independent hybridization events over time (Rinne 1976; DeMarais 1986; Rosenfeld and Wilkinson 1989; DeMarais *et al.* 1992; Dowling and DeMarais 1993; Minckley and DeMarais 2000; Gerber *et al.* 2001; Schwemm 2006; Schönhuth *et al.* 2014; Brandenburg *et al.* 2015,) potential past introgression (the transfer of genetic information from one species to another as a result of hybridization between them and repeated backcrossing) (DeMarais *et al.* 1992; Minckley and DeMarais 2000), recent divergence within the three fish (Schwemm 2006). Further, the original assignment to species was based on the assumption that the three fish do not overlap geographically (parapatry), which we recognize now is not an accurate assumption. Additionally, in some instances when the same fish was identified based on morphology (physical characteristics) it was identified as one species and when identified based on genetic analysis it was identified as a different species (Dowling *et al.* 2015, pp. 14–15). Recent and ongoing genetic and morphologic analyses of chubs in the Gila River basin continue to yield conflicting results (DeMarais *et al.* 1992; Schwemm 2006; Dowling *et al.* 2008 and 2015; Schönhuth *et al.* 2014; Marsh *et al.* 2016, all entire).

History

Gila robusta (roundtail chub) was first described by Baird and Girard (1853, p. 365–369) from specimens collected in 1851 from the Zuni River (tributary to Little Colorado River). *Gila nigra* (headwater chub; formerly known as *G. robusta graham* or *G. grahami*) was first described as a subspecies (*G. robusta graham*) from Ash Creek in the San Carlos River in east-central Arizona in 1874 (Cope and Yarrow 1875, p. 663), but not returned to full species status (*G. robusta*) until proposed so by Minckley and DeMarais (2000, p. entire). The Societies accepted *Gila nigra* as a full species (Nelson *et al.* 2004, p. 71), as did the New Mexico Department of Game, Fish (Carman 2006, p. 3), Arizona Game, and Fish

Department (AGFD 2006, p. 3) and continued to recognize *G. robusta* as a distinct species. Therefore, based on the best available commercial and scientific data the Service accepted both *Gila robusta* and *Gila nigra* as full species as documented in our 12-month findings (May 3, 2006; 71 FR 26007 and July 7, 2009; 74 FR 32352). In their 2013 publication of Common and Scientific Names of Fishes from the United States, Canada, and Mexico, the Societies continued to list both *Gila robusta* and *Gila nigra* as distinct species (Page *et al.* 2013, p. 71). A summary of the historic and current nomenclature from Rinne (1976, entire), Sublette *et al.* (1990, entire), and Minckley and DeMarais (2000, entire) is summarized in Voeltz (2002, pp. 8) and Copus *et al.* (2016, pp. 1&6). The Gila chub (*Gila intermedia*) is currently listed as an endangered species (November 2, 2005; 70 FR 66664).

These entities were originally classified based on the streams in which they were found (Minckley and DeMarais 2000, p. 252), under the assumption that *G. robusta* and *G. nigra* either did not overlap (allopatric, no gene flow) or there was only a narrow overlap (parapatric; limited interaction and opportunity for gene flow) (Minckley and DeMarais 2000 pp. 252–254). Because hybridization between *G. robusta* and *G. intermedia* indicates that these fish must co-occur in some streams (Minckley and DeMarais 2000, entire), we conclude that Minckley and DeMarais's (2000) assumption they did not overlap was unfounded. Further, other studies have found that fish designated as *G. robusta, G. nigra,* and *G. intermedia* overlap geographically or occur adjacent to one another (Dowling and Marsh 2009, p. 1; Marsh *et al.* 2016, p. 57; Brandenburg *et al.* 2015, p. 18).

Morphology

The approach for classifying *G. robusta, G. nigra,* and *G. intermedia* developed by Minckley and DeMarais (2000, pp. 254–255) presumes there is little intraspecific variation (differences within a species) in the morphologic and meristic (counting quantitative characteristics such as fins) characteristics used to distinguish these three taxa. However, the three purported species overlap in physical characteristics, and many fish have intermediate physical characteristics. Those characteristics that do not overlap are separated by very small margins, making species-level identification of individual fish problematic, even when the geographic origin of the species is known (Brandenburg 2015, entire). Minckley and DeMarais (2000, pp. 253–254) indicate that *G. nigra* is physically different from *G. intermedia* even though they appear physically more similar to one another than either is to *G. robusta.* In addition, Copus *et al.* (2016, p. 13) did not find physical characteristics in the Minckley and DeMarais (2000, pp. 254–255) classification key to reliably differentiate *G. robusta, G. nigra,* and *G. intermedia* from one another. Copus *et al.* (2016 p. 16) concluded that there was no morphological basis for taxonomic distinctions within the *Gila* spp. complex.

Genetics

Multiple genetic analysis studies have been conducted that reveal differences between different chub populations, but have been unable to identify differences between *G. robusta, G. nigra, and G. intermedia* (DeMarais *et al.* 1992, pp. 2748–2749; Schwemm 2006, p. 29; Dowling *et al.* 2008, p. 2, and 2015, p. 13; Copus *et al.* 2016, pp. 14–15; Marsh *et al,* 2016, p.58). Mitochondrial DNA analysis (Schönhuth *et al.* 2014, p. 223) indicates that *G. robusta, G. nigra,* and *G. intermedia* belong to one clade (a grouping that includes a common ancestor and all its descendants, living and extinct, of that ancestor). Schönhuth *et al.* (2014, p. 223) hypothesized that this could reflect hybridization or incomplete lineage sorting (when the lineage of a specific gene is not the same as the lineage of the species, obscuring the true species relationship).

However, when nuclear DNA (rather than mitochondrial DNA) was analyzed, a broader grouping was identified that included *G. seminude* and *G. elegans,* but when mitochondrial and nuclear DNA results are combined *G. robusta, G. nigra,* and *G. intermedia* were in one grouping (Schönhuth *et al.* 2014, p. 223). Preliminary studies by Chafin *et al.* (2016) indicate evolutionary independent lineages for *G. robusta, G. nigra,* and *G. intermedia,* and that the hybrid origin of *G. nigra* is not supported. Studies by Marsh *et al.* (2016, entire) point to genetic variation between populations of *G. robusta* and *G. nigra,* and demonstrate evidence that distinct ecological differences between some populations are now thought to exist. Minckley and DeMarais (2000, entire) supported recognition of three species, but acknowledged that most genetic variation was within populations for *G. robusta,* and was among populations for *G. intermedia* and *G. nigra.* Minckley and DeMarais (2000, p. 253) also indicated that these three fishes share genetic features (that had been studied so far) while behaving as separate non-overlapping (allopatric) morphological species. In addition, some populations assigned to species based on genetics appeared to conflict with the species level-assignment based on morphology (Dowling *et al.* 2008, p. 27).

Speciation

Minckley and DeMarais (2000, p. 253) describe three different taxonomic options for chubs in the Gila River basin: a single species with many different forms or stages (polymorphic species), a species containing multiple subspecies, or three full species. They acknowledge that none of these taxonomic options is biologically justified without knowing if these fish naturally occur in the same geographic area (sympatry, indicating an initial interbreeding population that split), or occur immediately adjacent to each other but not significantly overlapping (parapatry, indicating there is no barrier to gene flow). They further acknowledge that a persistent narrow interaction zone (parapatry, indicating there is no barrier to gene flow) of morphologically distinguishable *G. robusta, G. intermedia,* and *G. nigra* has been confirmed, but note that in no instance was any two of the three caught at the same locality (allopatric, no gene flow; p. 251). However, they also acknowledge that hybridization (between *G. robusta* and *G. intermedia,* resulting in *G. nigra)* in the past must have occurred in some places and not others, thereby demonstrating occurrence in the same geographic area (sympatry) (p. 253). They conversely hypothesized that the current minimal overlap in an area where species are adjacent (parapatry, indicating there is no barrier to gene flow) may thus reflect an ancestral ecological segregation area (sympatry, indicating an initial interbreeding population that split due to the use of different habitats and resources) that promoted persistence in the ever-increasing aridity of the Southwest (p. 253).

In Fossil Creek, *G. nigra* and *G. robusta* appear to be sympatric, including hybrids between *G. robusta* and *G. nigra* (Marsh *et al.* 2016, p. 57). Brandenburg *et al.* (2015, p. 18) concluded that the morphological assessment of *Gila* spp. in New Mexico confirmed that the three fish were found in the same geographic area (sympatric) in almost all cases, contradicting Minckley and DeMarais' results (2000, p. 251) as well as other previous literature suggesting that these *Gila* spp. are occurring in separate non-overlapping geographical areas (allopatric) through their ranges (Rinne

1969, p. entire; DeMarais 1986, p. entire; Minckley and DeMarais 2000, p. 253). In Fossil Creek, they found that *G. nigra* and *G. robusta* are locally in the same geographic area (sympatric) and have hybridized (Marsh *et al.* 2016, p. 57). Marsh *et al.* (2016, p. 58) concluded there are two morphologically similar, but genetically distinguishable, chub in Fossil Creek, *G. robusta* and *G. nigra.*

Conservation Implications

Dowling *et al.* (2015, pp. 14–15) reasoned that the lack of diagnostic molecular characteristics does not inform the status of these three fish, but rather highlights the role that local evolution has played in shaping patterns of variation in these taxa and the importance of accounting for this variation when managing the complex. Most, if not all, scientists agree that conservation actions for these chubs must be directed at the population level and must include consideration of the complex as a whole (Dowling *et al.* 2008, pp. 30–31; Dowling and DeMarais 1993, p. 445; Gerber *et al.* 2001, p. 2037; Schwemm *et al.* 2006, pp. 32–33). The Arizona Game and Fish Department recognizes the importance of conserving the currently recognized roundtail chub population rangewide (including the formerly known headwater chub and Gila chub) and is committed to the conservation agreements and practices that have been in place since 2006 (AGFD 2017, entire; AGFD 2006, entire).

Public Comments

In our October 7, 2015 proposed rule (80 FR 60754), we requested that all interested parties submit comments or information concerning the proposed listings during a 60 day comment period, ending December 7, 2015. We particularly sought comments concerning genetics and taxonomy. In our August 15, 2016, 6-month extension document (81 FR 54018), we reopened the comment period on the proposed rule for 30 days, ending September 14, 2016, and we again requested comments and information regarding genetics and morphology that would aid in resolving the ongoing taxonomic issues regarding classification of these fish. On November 1, 2016 (81 FR 75801, we announced an additional 45-day comment period, ending December 16, 2016, on the October 7, 2015 proposed rule.

We provided notification of these publications and their comment periods through email, letters, and news releases faxed and/or mailed to the appropriate Federal, State, and local agencies; county governments; elected officials; media outlets; local jurisdictions; scientific organizations; interested groups; and other interested parties.

In accordance with our peer review policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), we solicited independent opinions from at least three knowledgeable individuals who have expertise with these fish, who possess a current knowledge of the geographic region where the fish occurs, and/or are familiar with the principles of conservation biology.

We reviewed all comments received from peer reviewers and the public for substantive issues and new information regarding the proposed listing of *G. nigra* and the *G. robusta* DPS. Substantive comments pertaining to the taxonomy of these fish received during the comment period are addressed below. We also received several comments from both the public and peer reviewers concerning threats to these fish; however, because our withdrawal is due to taxonomic revision such comments are outside the scope of this withdrawal.

Peer Review Comments

(1) *Comment:* One peer reviewed stated that there are no recent (since 2000) publications in the peer-reviewed literature that provide evidence that *Gila intermedia, G. nigra,* and *G. robusta* are other than separate and distinct species. The peer reviewer further stated that there are articles that study the genetics or morphology of these fish without questioning its taxonomy, specifically Schönhuth *et al.* 2014, Schönhuth *et al.* 2012, and Marsh *et al.* in press.

Response: Multiple studies since 2000 provide information on the genetic analysis for these fish, including Schwemm 2006, Dowling *et al.* 2008 and 2015, and Copus *et al.* 2016. While these studies may not have questioned the taxonomic classification, they also have not been able to identify genetic markers that have the ability to distinguish among *G. robusta, G. nigra,* and *G. intermedia.* Schönhuth *et al.* (2008, p. 213; 2014, p. 223), using mitochondrial and nuclear DNA sequencing, found that *G. robusta, G. nigra,* and *G. intermedia* were well supported as having a common ancestor. Using mitochondrial DNA, Schönhuth *et al.* (2008, p. 213; 2014, p. 223) found that *G. robusta, G. nigra,* and *G. intermedia* were in one grouping that included a common ancestor and all the descendants (living and extinct) of that ancestor (clade), and this could reflect incomplete lineage sorting or hybridization. However, when nuclear DNA was analyzed, a broader grouping was identified that included *G. seminuda* and *G. elegans,* but when mitochondrial and nuclear DNA results were combined, *G. robusta, G. nigra,* and *G. intermedia* were alone in one grouping. While Marsh *et al.* (2016, entire) concluded there are two similar but genetically distinguishable species in the creek they studied, their findings differ somewhat from Schwemm (2006) and Dowling *et al.* (2008 and 2015, entire), who were unable to conclusively identify distinct species using genetic markers across a much wider range. Further, the Societies conducted a review of the literature and found no evidence to support three species. The Service has reviewed the best available scientific and commercial data and also found a lack of sufficient evidence to support more than one species.

(2) *Comment:* Recognized authorities on the taxonomy and ecology of these fish recognized these fish as separate species based on morphological diagnostics.

Response: Minckley and DeMarais (2000), Miller *et al.* (2005), and Minckley and Marsh (2009) report identification of three species using a diagnostic morphological key. However, additional reports were unable to reliably identify these three fish to species using the same diagnostic key (Carter *et al.* 2016, p. 2 and 20, in press; Brandenburg 2015, entire; Copus *et al.* 2016, p. 13). Further, Minckley and DeMarais (2000, pp. 253–254) stated that *G. nigra* is morphologically separate from *G. intermedia,* but that *G. nigra* and *G. intermedia* appear morphologically more similar to one another than either is to *G. robusta.* In addition to issues surrounding morphological identification, multiple genetic analysis studies have found population-level differences, but have been unable to identify genetic markers that have the ability to distinguish among *G. robusta, G. nigra,* and *G. intermedia* (DeMarais 1992, pp. 2748–2749; Schwemm 2006, p. 29; Dowling *et al.* 2008, p. 2, and 2015, p. 13; Copus *et al.* 2016, pp. 14–15). There are also the findings of Schönhuth *et al.* (2014), Schönhuth *et al.* (2012) as described in Response to Comment 1.

(3) *Comment:* Conclusions are mainly based on two ''gray literature'' reports that have not undergone peer review (Copus *et al.* 2016) or were not available for public consideration (Carter *et al.* 2016, in press).

Response: Section 4(b)(1)(A) of the Act requires the Service to make listing or delisting decisions based on the best scientific and commercial data available. Further, our Policy on Information Standards under the Act

(July 1, 1994; 59 FR 34271), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines (*https://www.fws.gov/informationquality*), provide criteria and, guidance, and establish procedures to ensure that our decisions are based on the best scientific data available. They require us, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for our determinations. Primary or original information sources are those that are closest to the subject being studied, as opposed to those that cite, comment on, or build upon primary sources. The Act and our regulations do not require us to use only peer-reviewed literature, but instead they require us to use the ''best scientific and commercial data available.'' We use information from many different sources, including articles in peer-reviewed journals, scientific status surveys and studies completed by qualified individuals, Master's thesis research that has been reviewed but not published in a journal, other unpublished governmental and nongovernmental reports, reports prepared by industry, personal communication about management or other relevant topics, conservation plans developed by States and counties, biological assessments, other unpublished materials, experts' opinions or personal knowledge, and other sources. For these reasons, we think it is appropriate to include review of Copus *et al.* (2016) and Carter *et al.* (2016, in press), as well as other sources, within our review.

(4) *Comment:* Several authors presented data and conclusions that conflicted with the previously cited Carter *et al.* (2016, in press) and Copus *et al.* (2016) reports pertaining to morphological identification, DNA analysis, and ecological equivalency to a subset of the Joint Committee convened in April 2016, to specifically address the taxonomy of the roundtail chub complex.

Response: We were present at the April 2016 Joint Committee webinar, and experts beyond Carter and Copus, such as Brandenburg, Schwemm, Dowling, O'Neill, and Chafin, also provided information based on research they either had previously conducted or are currently conducting on *Gila.* A complete list of references cited may be obtained on the Internet at *http://www.regulations.gov* and upon request from the Arizona Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**). The Service has reviewed the best available scientific and commercial data and found a lack of sufficient evidence to support more than one species.

(5) *Comment:* This taxonomic dispute is not simply an academic exercise of whether to lump or split taxa, because the decision has enormous implications for the conservation of imperiled species. Multiple experts recommended that the roundtail chub complex, however it is constituted, be managed as separate populations or managed as a complex.

Response: The Service recognizes that multiple experts agree that conservation actions must be directed at the population level and must include consideration of the complex as a whole (Dowling *et al.* 2008, pp. 30–31; Dowling and DeMarais 1993, p. 445; Gerber *et al.* 2001, p. 2037; Schwemm 2006, pp. 32–33). However, the Service must adhere to the Act and its implementing regulations, which define a ''species'' as any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any vertebrate species which interbreeds when mature (16 U.S.C. 1532(16) and 50 CFR 424.02). The best available scientific and commercial data as discussed above in the *Taxonomy* section, support recognition of only one species, *Gila robusta.* The Service's withdrawal of our proposed rule to list the headwater and roundtail chub based on new taxonomic classification does not diminish the conservation efforts of our partners to conserve this species and habitat, nor does our decision affect the State's ability to conserve this species under its own authority. The Arizona Game and Fish Department recognizes the importance of conserving the currently recognized roundtail chub population rangewide (including the formerly known headwater chub and Gila chub) and is committed to the conservation agreements and practices that have been in place since 2006 (AGFD 2017, entire; AGFD 2006, entire).

(6) *Comment:* Multiple commenters raised concerns with Copus *et al.* (2016) methods and conclusions, particularly small sample size, lack of key analytical and laboratory steps, the study's DNA sequence data filtering and analyses that failed to follow best practices for phylogenetic analysis, and specimen shrinkage associated with duration of preservation impacting morphological diagnostics.

Response: The Service did not rely solely on Copus *et al.* 2016. We considered the best available commercial and scientific data; you may obtain a complete list of references cited on the Internet at *http://www.regulations.gov* and upon request from the Arizona Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**). In regards to the mitochondrial DNA and phylogenetic analysis, Copus *et al.*'s findings are consistent with Schönhuth *et al.*'s (2014) and Schönhuth *et al.*'s (2012) mitochondrial DNA and phylogenetic analysis. In addition, multiple genetic analysis studies have been conducted that indicate population-level differences, but do not identify genetic markers that have the ability to distinguish among *G. robusta, G. nigra, and G. intermedia* (DeMarais 1992, pp. 2748–2749; Schwemm 2006, p. 29; Dowling *et al.* 2008, p. 2, and 2015, p. 13).

In regards to morphological diagnostic errors due to using preserved specimens, Copus *et al.* (2016) did use preserved specimens. However, they also analyzed fresh material and concluded that no single diagnostic character can be used for species identification, and with considerable overlap among species in every morphological character, no suite of characters can distinguish species unambiguously (Copus *et al.* 2016, p. 13). Brandenburg *et al.* (2015, entire) also reported overlap in the meristic and morphometric characteristics, records of many individual fish with intermediate physical characteristics, and even those characters that do not overlap are separated by very small margins making species-level identification of individual fish problematic, even when the geographic origin of the species is known.

Public Comments

(7) *Comment:* Multiple commenters requested various listing alternatives under the Act including: List *G. robusta* as threatened and encompass all populations of the chub complex within the Gila basin requiring a revision of the recovery plan, list *G. robusta* and *G. nigra* as threatened and retain the current endangered species status of *G. intermedia,* list *G. robusta* as threatened and retain the current endangered species status of *G. intermedia,* or other combinations.

Response: The Service must adhere to the Act and its implementing regulations, which define a ''species'' as any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any vertebrate species which interbreeds when mature (16 U.S.C. 1532(16) and 50 CFR 424.02), and based on our review, the best available scientific and commercial data

support recognition of only one species, *Gila robusta.* As the headwater chub and roundtail chub DPS no longer meet the definition of a ''species'' under the Act, we must withdraw our proposed rule to list them as threatened species.

(8) *Comment:* Multiple commenters stated that there is a great amount of morphological overlap among counts and measures for these chub taxa and that this has long been recognized. If a taxonomic key is not 100 percent correct, that does not necessarily mean that these are not taxa that are biologically distinct at the specific level. A test of the key would require the *a priori* identification of each individual to species. Rather than dismiss the species' taxonomic status, biologists should be working to make a better key that can be used in the field for the effective identification and management of the species.

Response: We recognize that diagnostic keys do not produce correct results all the time, whether due to human error or morphological similarities among purported species. However, Copus *et al.* (2016, p. 13) concluded that, based on genetic analysis, no single diagnostic character can be used for species identification, and with considerable overlap among species in every morphological character, no suite of characters can distinguish species unambiguously. Brandenburg *et al.* (2015, entire) also reported overlap in the meristic and morphometric characteristics, and there are many individual fish whose morphology resides on an intermediate spectrum, and even those characters that do not overlap are separated by very small margins, making species-level identification of individual fish problematic, even if the geographic origin of the species is known. In regards to *a priori* identification of fish, assignment to species has been based on the stream in which the fish occurs (Minckley and DeMarais 2000, p. 252), so the identification of the fish that occurs in each stream is assumed to be known. Consequently, there exists the ability to compare findings from the diagnostic key to the fish within a particular stream. An updated key may be prudent; however, the Service must use the best available scientific and commercial data available, and we have concluded from our review that the data currently support only one species, *Gila robusta.* Further, given the overlap in diagnostic characteristics, the development of a valid key seems unlikely.

(9) *Comment:* Multiple commenters stated that it has long been hypothesized that *G. nigra* formed as the result of hybridization between the other two taxa, so we would expect the greatest morphological overlap from that species with the other two taxa. The question then becomes, is *G. nigra* continuing to differentiate from ancestral *G. robusta*? When in sympatry, *G. nigra* and *G. robusta* are becoming increasingly reproductively isolated from one another (Desert Fishes Council meeting, Dowling *et al.* 2016).

Response: We recognize that multiple studies have indicated that hybridization has occurred among *G. intermedia* and *G. robusta* resulting in *G. nigra* and that continuing evolution may occur (Schwemm 2006; Dowling *et al.* 2008, entire). However, there has also been information presented showing no evidence of the hybrid origin of *G. nigra,* and that *G. intermedia* and *G. nigra* evolved separately in non-overlapping areas (parapatry) (Chafin 2016, entire). In addition, past research (Dowling *et al.* 2008, 2015; Schwemm 2006) indicate that there is more variation among populations and unique genetics within specific populations (streams).

(10) *Comment:* If only *G. robusta* and *G. intermedia* are evaluated, there is no question that they would be considered distinct morphological species.

Response: Carter *et al.* (2016, in press) found that the physical characteristics did not reliably differentiate among *G. robusta, G. intermedia,* and *G. nigra.* In addition, Brandenburg *et al.* (2015, pp. 8–9) found physically similarity of the three species, as numerous individuals exhibited intermediate characters along the species gradient. The discriminant function analysis (a statistical analysis tool to determine which variables discriminate between two or more naturally occurring groups) classified only 16 percent (n = 42) of *G. intermedia* (the fewest) while the majority of the samples were classified as *G. robusta* (53.2 percent, n = 140), which indicates that the ability to classify these fish correctly to *G. intermedia* or *G. robusta* based on physical characteristics was low. Due to the complex genetic makeup and observable characteristics or traits (*i.e.,* physical appearance, behavior, or physiology) of these species, there are some stream locations where we do not know where the geographic overlap of headwater, roundtail, and, in some cases Gila chub, begins and ends, because of the plasticity of observable characteristics or traits of these fish within individual streams. Our review of the data does indicate that there are differences in observable characteristics or traits between the fish in different streams, but the Societies' review, as well as the Service review, of the best available scientific and commercial data did not result in a species-level differentiation between *G. robusta* and *G. intermedia,* or among *G. robusta, G. intermedia,* and *G. nigra.*

(11) *Comment:* One commenter recommend that we proceed with an amended recovery plan to list the status of this species as threatened under the Act. The listing of this species is necessary even if all populations of *G. intermedia* and *G. nigra* are subsumed into *G. robusta.*

Response: An assessment of the entire range of the new taxonomic group of roundtail chub is planned. We are initiating a status review of the new taxonomic entity in 2 to 4 years. Following that review, we will take action as appropriate.

Determinations

An entity may only be listed under the Act if that entity meets the Act's definition of a species. The recent report by the Societies indicates that neither the headwater chub nor the roundtail chub can be considered species, as defined by the Act. Under section 3 of the Act (16 U.S.C. 1532(16)) and associated implementing regulations at 50 CFR 424.02, a ''species'' is defined to include any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any vertebrate species which interbreeds when mature. The Act's implementing regulations at 50 CFR 424.11(a) and the Service Director's November 25, 1992, ''Taxonomy and the Endangered Species Act'' Memorandum (Memo) provide additional guidance on how to consider taxonomic information when assessing a species for listing under the Act. The regulations at 50 CFR 424.11(a) state, ''In determining whether a particular taxon or population is a species for the purposes of the Act, the Secretary [of the Interior] shall rely on standard taxonomic distinction and the biological expertise of the Department [of the Interior] and the scientific community concerning the relevant taxonomic group.'' The Director's Memo specifies that the Service is ''required to exercise a degree of scientific judgment regarding the acceptance of taxonomic interpretations, particularly when more than one possible interpretation is available. The Memo further states, ''When informed taxonomic opinion is not unanimous, we evaluate available published and unpublished information and come to our own adequately documented conclusion regarding the validity of taxa.''

The Act requires that we finalize, modify, or withdraw the proposed rule

within 12 months. The Act provides for one 6-month extension for scientific uncertainty, which we have used. As such, we are required to make a decision regarding the entities' eligibility for listing at this time. In addition, section 4(b)(1)(A) of the Act requires the Service to make listing or delisting decisions based on the best scientific and commercial data available. Further, our Policy on Information Standards under the Act (July 1, 1994; 59 FR 34271), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines (*https://www.fws.gov/informationquality*), provide criteria, guidance, and establish procedures to ensure that our decisions are based on the best scientific data available. They require us, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations. Primary or original information sources are those that are closest to the subject being studied, as opposed to those that cite, comment on, or build upon primary sources. The Act and our regulations do not require us to use only peer-reviewed literature, but instead they require us to use the ''best scientific and commercial data available.'' We use information from many different sources, including articles in peer-reviewed journals, scientific status surveys and studies completed by qualified individuals, Master's thesis research that has been reviewed but not published in a journal, other unpublished governmental and nongovernmental reports, reports prepared by industry, personal communication about management or other relevant topics, conservation plans developed by States and counties, biological assessments, other unpublished materials, experts' opinions or personal knowledge, and other sources.

We conducted a similar internal review of the information presented by and available to the Societies in their review. Our review primarily focused on Marsh *et al.* (2016), Carter *et al.* (2016, in press), Copus *et al.* (2016), Minckley and DeMarais (2000), and Chafin *et al.* (2015), as well as other literature as discussed above in the *Taxonomy* section. In their most recent publication of Common and Scientific Names of Fishes (Page *et al.* 2013, p. 8), the Societies state the following regarding the common process of their naming committee: ''In accepting species as valid from various works, we made little or no judgment on authors' species concepts. Taxa of uncertain status were dealt with on a case-by-case basis.'' Based on the Societies' expertise and their internal guidance (stated above) on making such decisions, we conclude that the preponderance of evidence before them was clear and decisive enough to make a taxonomic change.

After reviewing the best available scientific and commercial information (as described above in the *Taxonomy* section and summarized below) and applying statutory and regulatory guidance, we determined that the Societies' report considered the best commercial and scientific data available. We agree with the conclusion that available data support recognition of only one species, *Gila robusta.* Our determination is based on various factors, including the method of original assignment to species, hybridization events, conflicting identification of species based on morphology versus genetics, evolutionary history, morphological identification limitations, and lack of genetic markers to identify species. We lack confidence in the initial species assignments to *G. robusta, G. nigra,* and *G. intermedia* due to the scientific methods used (fish were assigned to a species based on the stream in which they occurred, the erroneous assumption that these fish did not overlap geographically, and the absence of genetic or morphological diagnostic information). Minckley and DeMarais (2000, entire) based their diagnostic key on the assumption that none of these species occurs in the same locality; however, they acknowledge hybridization among *G. robusta* and *G. intermedia.* Further, other studies have found that fish designated as *G. robusta, G. nigra,* and *G. intermedia* overlap geographically or occur adjacent to one another (Dowling and Marsh 2009, p. 1; Marsh *et al.* 2016, p. 57; Brandenburg *et al.* 2015, p. 18). In addition, some populations appeared to conflict genetically with the species-level assignment based on morphology (Dowling *et al.* 2015, pp. 14–15). Multiple scientists (as described above) found Minckley and DeMarais's (2000, entire) key for identification of *G. robusta, G. nigra,* and *G. intermedia* to not reliably differentiate among these three fish. In Fossil Creek, Marsh *et al.* (2016, entire) concluded there are two morphologically similar, but genetically distinguishable chub. However, there are several genetic analysis studies indicating population-level differences among these fish, but the studies were not able to identify genetic markers distinguishing between the three fish. Finally, Schönhuth *et al.* (2014, p. 223) found that *G. robusta, G. nigra,* and *G. intermedia* were in one grouping that included a common ancestor and all the descendants (living and extinct) of that ancestor (clade), and hypothesized this could reflect incomplete lineage sorting or hybridization, but this was not studied.

For the purposes of our determination, we accept the ''single species'' finding by the Societies described above and, consequently, withdraw the proposed rule to list the headwater chub (*Gila nigra*) and a DPS of the roundtail chub (*Gila robusta*) from the lower Colorado River basin as threatened species under the Act. This withdrawal is based on a thorough review of the best scientific and commercial data available, which indicate that the headwater chub and the DPS of the roundtail chub are not discrete taxonomic entities and do not meet the definition of species under the Act. These fish are now recognized as a single taxonomic species—the roundtail chub (*Gila robusta*). Because the entities previously proposed for listing are no longer recognized as species, as defined by the Act, we have determined that they are not listable entities, and we are withdrawing our proposed rule to list.

Future Actions

Following the publication of this withdrawal, we intend to reevaluate the status of the Gila chub (currently listed as endangered) in the near future and initiate a range-wide species status assessment (SSA) of the newly-recognized roundtail chub (*Gila robusta*).

References Cited

A complete list of references cited in this document is available on the Internet at *http://www.regulations.gov* and upon request from the Arizona Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this document are the staff members of the Arizona Ecological Services Office.

Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

Dated: March 21, 2017.

James W. Kurth,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2017–06995 Filed 4–6–17; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 82, No. 66
Friday, April 7, 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

Forest Service

Lincoln National Forest; New Mexico; South Sacramento Restoration Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Lincoln National Forest will prepare an Environmental Impact Statement (EIS) to document and publicly disclose environmental effects of its management strategy for restoring forest health on approximately 140,000 acres in the southern Sacramento Mountains of New Mexico. The restoration strategy would include a variety of management tools including mechanical methods and prescribed fire to achieve forest health and fuel reduction goals. The project will include additional measures to improve wildlife habitat and watershed health. The project will include adaptive management options that will allow for treatment flexibility based on site-specific conditions, needs, and objectives.

DATES: Comments concerning the scope of the analysis must be received by May 8, 2017. The draft environmental impact statement is expected December 2017 and the final environmental impact statement is expected April 2018.

ADDRESSES: Send written comments to ''SSRP Comments, c/o Peggy Luensmann, Lincoln National Forest, Supervisor's Office, 3463 Las Palomas, Alamogordo, NM 88310''. Comments may also be sent via email to *comments-southwestern-lincoln@fs.fed.us,* or via facsimile to 575–434–7218.

A public meeting will be held at the Lodge Resort Pavilion, 601 Corona Place, Cloudcroft, NM 88317 on Wednesday, April 26, 2017 from 6 p.m. to 9 p.m. Forest Service representatives will present an overview of the project proposal, answer questions, and discuss the analysis process. Please contact the Forest Service at 575–434–7200 at least one week in advance of the meeting if you need to request special accommodations (*i.e.,* sign language interpretation, etc.).

FOR FURTHER INFORMATION CONTACT: The project Web site at *https://www.fs.usda.gov/project/?project=51146* or contact Peggy Luensmann, 575–434–7200, *psluensmann@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The project is being developed under the Agriculture Act (Farm Bill) of 2014 authority as amended to the Healthy Forests Restoration Act of 2003, Section 602. The initial project proposal was designed in cooperation with the New Mexico Department of Game and Fish, the U.S. Fish and Wildlife Service, and with the participation of a local collaborative group representing the interests of local residents, environmental groups, other state and federal agencies, elected officials, and other stakeholders.

Purpose and Need for Action

The landscape within the South Sacramento Restoration Project planning area has been greatly altered from historic conditions. Overall forest health in the area has declined due to insects, disease, and other factors leading to high tree mortality and increased risk for high-severity wildland fire across the landscape. Wildlife habitat and watershed conditions have also declined as a result.

The purpose of the project is to restore overall forest health, watershed health, and wildlife habitat in the planning area. There is a need to increase forest resiliency to insects, disease, and stand-replacing fires by shifting forest structure, composition, and diversity toward the natural range of conditions that were historically typical for mixed-conifer, ponderosa pine, pinyon-juniper, and other habitat types within the Sacramento Mountains in southeast New Mexico.

Additionally, there is a need to reduce high-severity fire risks and post-fire flooding potential to protect life, property, and natural resources by reducing crown fire hazard potential. There are also needs to reduce the likelihood of human-caused ignitions and to increase the ability of fire suppression crews to manage future wildfires.

In Mexican spotted owl habitat, there is a need to protect existing and promote development of future habitat suitable for nesting, roosting, foraging, and dispersal to further recovery of the species. Additionally, there is a need to increase our understanding of the short- and long-term effects of land management on existing and future suitable habitat.

Where watershed function is impaired, there is a need to improve soil condition and productivity; hydrologic function of springs and seeps; and quality of perennial and intermittent waters and riparian areas.

Proposed Action

In response to the purpose and need, the Lincoln National Forest proposes to conduct forest restoration activities on up to 140,000 acres of National Forest System lands in the southern Sacramento Mountains (approximately 10 to 15 years to meet initial project objectives with additional maintenance treatments over the long term). Restoration activities would occur in all ecosystems in the area, including mixed-conifer, ponderosa pine, pinyon-juniper, riparian areas, meadows, and aspen habitat types. Restoration activities would focus on thinning and burning treatments to improve forest health and resiliency by reducing stand density, continuity, and homogeneity (sameness of forest structure and species composition), and increase heterogeneity (diverse forest structure and species composition) at a landscape scale, midscale and fine scale.

The South Sacramento Restoration Project includes areas of the Lincoln National Forest, Sacramento Ranger District that either have not been previously treated, or that were previously treated but require additional treatments to support forest restoration and other habitat management goals at all scales. To meet project needs, the Forest Service is proposing to conduct hand and mechanical thinning and prescribed fire treatments to achieve forest and wildlife habitat restoration objectives as described below. Treatments would be aligned with old growth development and large tree

retention objectives, which are ecosystem components that are generally lacking in the planning area. The following types of treatment activities may be considered for this project:

Hand Treatments—Hand treatments refer to the use hand tools such as chainsaws, brush cutters, and other methods that do not require the use of heavy machinery, vehicles, or similar equipment. The use of manual methods can be extremely time consuming and would most likely be used on slopes that are inaccessible by heavy equipment; in areas adjacent to open roads; or in areas where use of mechanical methods would cause significant, unavoidable harm to resources.

Mechanical Treatments—Mechanical treatments refer to a variety of possible tools used to meet objectives. These include equipment and vehicles designed to cut trees and lop slash including on all terrain; yard material to landings; pile slash; chip or masticate wood; and transport material. Merchantable wood products would be removed from sites where feasible, based on road access, slope, terrain, and economic factors. Non-merchantable wood and thinning slash may be removed or treated on site depending on site-specific objectives.

Prescribed Fire—Broadcast and pile burning are types of prescribed fire that may be used in this project. In most cases, pile burning would occur following mechanical treatments to remove activity slash created during mechanical treatment activities. Bulldozers or similar heavy equipment are most commonly used to pile slash. Slash may be hand piled in areas with limited amounts of downed woody debris, where highly-erodible soils occur, or on steep slopes and other areas that are not accessible to heavy equipment.

Broadcast burning would be most often used after initial thinning and pile burning treatments on a regular maintenance schedule (typically every 2 to 15 years depending on the plant association). However, broadcast burning may also be used as an initial treatment where treatment objectives do not require mechanical thinning prior to burning (such as maintaining open meadows or in stands to stimulate understory growth) and where the use of broadcast burning would be expected to meet restoration objectives with minimal risk to property or resources of concern. Both manual and aerial ignition methods may be used. If prescribed burning is unable to occur due to environmental or personnel constraints, then additional hand or mechanical methods would occur to maintain restoration objectives.

Adaptive Management—The adaptive management strategy consists of three principle components: (1) The ability to select management tools or strategies best suited to site-specific and mid-scale management; (2) the ability to learn from treatment and resource monitoring so the most effective treatment methods are used to achieve management goals in new areas; and (3) the ability to incorporate new technologies or tools as they become available.

All proposed hand or mechanical thinning and prescribed fire treatments may be used indefinitely after the initial treatments to maintain or further reduce tree densities and fuel loads if site-specific objectives cannot be fully achieved by the initial treatment.

Additional treatments methods may be utilized to restore watershed health and improve wildlife habitat:

Some snags and downed woody debris would be retained as needed to improve soil condition and nutrient cycling and to meet wildlife habitat objectives outlined in the Lincoln National Forest Land and Resource Management Plan (Forest Plan). New snags may be created to improve wildlife habitat conditions and forest health in areas where existing snags are limited.

Watersheds—Improve water quality and watershed condition. Treatments may include but is not limited to installing structures to control erosion; reseeding or replanting native vegetation where natural regeneration is not sufficient to stabilize soils; and treating headcuts in arroyos.

Mexican Spotted Owl Habitat—Restoration activities, including hand or mechanical thinning and prescribed fire treatments are proposed in Mexican spotted owl protected activity centers and recovery habitats. The overall goal is to improve the quantity, quality, and distribution of owl habitat. Treatments would be designed in coordination with the U.S. Fish and Wildlife Service and align with the 2012 Mexican spotted owl recovery plan. These restoration activities are expected to improve habitat resiliency by reducing the risk of stand-replacing fires and reducing the occurrence and extent of insect and disease outbreaks within owl habitat. Treatments are also expected to promote the development of future habitat in forest stands that are not currently suitable for nesting and roosting or only provide marginal habitat. Pre- and post-treatment monitoring would occur so the impacts of treatments can be understood.

Infrastructure improvements may be necessary to complete proposed treatments:

Roads—Open system roads (maintenance level 2 through 5) would continue to be maintained as needed. Maintenance level 1 roads (closed roads) would be temporarily opened and maintained where needed for project access. Temporary roads and landings may be constructed where needed for these purposes. Road maintenance includes but is not limited to smoothing out road surfaces, improving drainage, and stabilizing stream crossings. Both maintenance level 1 and temporary roads would be closed after treatments are completed. Open system roads would remain open to public access after completion of the project. No new permanent roads would be constructed. Decisions about changing public access are not included in this project.

Forest Plan Amendment

To further meet project goals, the proposed action would include a project-specific amendment to the Forest Plan that would authorize the use of forest restoration strategies in places and under conditions that were not foreseen when the current Forest Plan standards and guidelines were established in 1986. The amendment is expected to include, but may not be limited to, the standard and guideline changes relating to:

- Using harvest strategies on steep slopes where such activities are not currently authorized;
- Using a broader range of treatment options within Mexican spotted owl habitat than is currently authorized; and
- Removing timing restrictions in some Mexican spotted owl protected activity centers so disturbance in occupied habitat can be limited to one year.

A project-specific plan amendment is a one-time variance in Forest Plan direction. Forest Plan standards and guidelines revert back to the original language for all other ongoing or future projects that may be authorized on the Lincoln National Forest unless additional amendments are made for those other projects. The amendment will be fully developed based on circumstances, issues, and concerns identified during the project scoping period. If adopted, this would be the eighteenth amendment to the Forest Plan since its inception in 1986.

The current Forest Plan is under revision and a final decision on the revised plan is not expected until 2019. The final South Sacramento Restoration Project analysis and decision is

expected to be consistent with the revised Forest Plan.

Responsible Official

The Forest Supervisor of the Lincoln National Forest is the deciding officer for this project. The Forest Supervisor will issue a record of decision at the conclusion of the National Environmental Policy Act (NEPA) process, and after evaluating public comments received on the draft EIS.

Nature of Decision To Be Made

The Forest Service is the lead agency for the project. Based on the results of the NEPA analysis and consideration of public comments, the Forest Supervisor will authorize implementation of one of the following: (1) The no action alternative; or (2) the agency's proposed action, including the adaptive management strategy, Forest Plan amendment, and any protection measures or mitigations necessary to minimize or avoid adverse impacts.

The decision will be based on a consideration of the environmental effects of implementing the proposed action or other alternatives that may be developed to respond to significant issues. The Forest Supervisor may select the proposed action, a modified proposed action or alternative, another alternative analyzed in detail, or no action.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The Forest Service will host a public scoping meeting. See the **ADDRESSES** section for details on the location, date, and time of the meeting.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

This proposed project is an activity implementing a land management plan and is subject to the objection process described in 36 CFR 218 Subparts A and C. As such, individuals and organizations wishing to be eligible to file a predecisional objection must meet the information requirements in 36 CFR 218.25(a)(3). Comments received in response to this solicitation, including names and addresses of those who comment, will become part of the public record for this project and may be released under the Freedom of Information Act. Comments submitted anonymously will be accepted and considered; however, anonymous commenters will have no standing to participate in subsequent administrative review or judicial review.

Dated: March 20, 2017.

Jeanne M. Higgins,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–06927 Filed 4–6–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Bureau of the Census

National Advisory Committee

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (Census Bureau) is giving notice of a meeting of the National Advisory Committee on Racial, Ethnic and Other Populations (NAC). The NAC will address policy, research, and technical issues relating to a full range of Census Bureau programs and activities, including communications, decennial, demographic, economic, field operations, geographic, information technology, and statistics. The NAC will meet in a plenary session on April 27–28, 2017. Last minute changes to the schedule are possible, which could prevent us from giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees Web site for the most current meeting agenda at: *http://www.census.gov/about/cac.html.* The meeting will be available via webcast at: *http://www.census.gov/newsroom/census-live.html* or at *http://www.ustream.tv/embed/6504322?wmode=direct.*

DATES: April 27–28, 2017. On Thursday, April 27, the meeting will begin at approximately 8:30 a.m. and end at approximately 5:00 p.m. On Friday, April 28, the meeting will begin at approximately 8:30 a.m. and end at approximately 3:00 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau Auditorium, 4600 Silver Hill Road, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Tara Dunlop Jackson, Branch Chief for Advisory Committees, Customer Liaison and Marketing Services Office, at *tara.t.dunlop@census.gov,* Department of Commerce, U.S. Census Bureau, Room 8H177, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–5222. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The NAC was established in March 2012 and operates in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10). The NAC members are appointed by the Director, U.S. Census Bureau, and consider topics such as hard-to-reach populations, race and ethnicity, language, aging populations, American Indian and Alaska Native tribal considerations, new immigrant populations, populations affected by natural disasters, highly mobile and migrant populations, complex households, rural populations, and population segments with limited access to technology. The Committee also advises on data privacy and confidentiality, among other issues.

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on Friday, April 28. However, individuals with extensive questions or statements must submit them in writing to: *census.national.advisory.committee@census.gov* (subject line ''April 2017 NAC Meeting Public Comment''), or by letter submission to Kimberly L. Leonard, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H179, 4600 Silver Hill Road, Washington, DC 20233.

If you plan to attend the meeting, please register by Monday, April 24. You may access the online registration from the following link: *https://www.regonline.com/registration/Checkin.aspx?EventID=1970458.* Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer as soon as known, and preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Topics of discussion include the following items:

- 2020 Census Program Updates
- 2020 Census Operational Readiness: Integrated Partnership and Communications Program
- Local Update of Census Addresses Status
- Tribal Consultations Briefing

- 2015 National Content Test Report
- Undercount of Young Children Working Group Update
- Integrated Partnership and Communications Working Group Update

Dated: March 31, 2017.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2017–06986 Filed 4–6–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2031]

Approval of Subzone Status; Danos & Curole Marine Contractors, LLC; Morgan City, Louisiana

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Port of South Louisiana, grantee of Foreign-Trade Zone 124, has made application to the Board for the establishment of a subzone at the facility of Danos & Curole Marine Contractors, LLC, located in Morgan City, Louisiana (FTZ Docket B–74–2016, docketed November 3, 2016);

Whereas, notice inviting public comment has been given in the **Federal Register** (81 FR 78773, November 9, 2016) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facility of Danos & Curole Marine Contractors, LLC, located in Morgan City, Louisiana (Subzone 124Q), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: March 30, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017–07044 Filed 4–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Antidumping Duty Administrative Review, In Part; 2015–2016

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 glycine from the People's Republic of China (the PRC) covering the period of review (POR) from March 1, 2015, through February 29, 2016. We preliminarily determine that sales of subject merchandise by Baoding Mantong Fine Chemistry Co., Ltd. (Baoding Mantong) were made at less than normal value during the POR. Further, we are rescinding the review with respect to Kumar Industries and Rudraa International. Finally, we preliminarily find Huayang Chemical Co., Ltd. (Huayang Chemical) failed to establish eligibility for a separate rate and is being considered part of the PRC-wide entity. Interested parties are invited to comment on these preliminary results.

DATES: Effective April 7, 2017.

FOR FURTHER INFORMATION CONTACT: Dena Crossland or Brian Davis, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3362 or (202) 482–7924, respectively.

SUPPLEMENTARY INFORMATION:

Background

These preliminary results are made in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). The Department published a notice of opportunity to request an administrative review of the antidumping duty order on glycine from the PRC for the POR on March 1, 2016.[1] On May 2, 2016, in response to a timely request from domestic interested party, GEO Specialty Chemicals, Inc. (GEO), and in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on glycine from the PRC (*Order*).[2] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is provided as an appendix to this notice. 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 accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The product covered by the antidumping duty order is glycine, which is a free-flowing crystalline material, like salt or sugar.[4] The subject merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 2922.49.4020. The HTSUS subheading is provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.[5]

PRC-Wide Entity

Because the Department preliminarily determines that Huayang Chemical is not eligible for a separate rate because it failed to respond to the Department's antidumping questionnaire, we, find

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 81 FR 10580 (March 1, 2016).

[2] *See Antidumping Duty Order: Glycine from the People's Republic of China,* 60 FR 16116 (March 29, 1995) (*Order*); *see also Initiation of Antidumping and Countervailing Duty Administrative,* 81 FR 26203 (May 2, 2016).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Glycine from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* Preliminary Decision Memorandum for a complete description of the scope of the *Order.*

[5] *See Order.*

that it is part of the PRC-wide entity. The Department's policy regarding conditional review of the PRC-wide entity applies to this administrative review.[6] Under this policy, the PRC-wide entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the PRC-wide entity in this review, the entity is not under review and the entity's rate from the previous administrative review (*i.e.,* 453.79 percent) is not subject to change.[7]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Act. Because the PRC is a non-market economy within the meaning of section 771(18) of the Act, normal value is calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying our preliminary results, *see* the Preliminary Decision Memorandum.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, ''in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' GEO withdrew its request within the 90-day limit with respect to Kumar Industries and Rudraa International. Because we received no other requests for review of Kumar and Rudraa, we are rescinding the administrative review of Kumar and Rudraa, in accordance with 19 CFR 351.213(d)(1).

Preliminary Results of Review

The Department has preliminarily determined that the following dumping margin exists for the period March 1, 2015, through February 29, 2016:

Exporter	Dumping margin (percent)
Baoding Mantong Fine Chemistry Co. Ltd	71.83

[6] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65970 (November 4, 2013) (*Conditional Review of NME Entity Notice*).

[7] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 62027 (October 15, 2015) (*Glycine Final 2013–2014*).

Disclosure and Public Comment

The Department intends to disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[8] 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.[9] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs are filed.[10]

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, filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[11] Hearing requests should contain the following: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Unless extended, the Department intends to issue the final results of this review, including the results of its analysis of issues raised by parties in their comments, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon issuing the final results of review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[12] If a respondent's weighted-average dumping margin is above *de minimis* (*i.e.,* 0.5 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Specifically, the Department will apply the assessment rate calculation method adopted in *Final Modification for Reviews.*[13] Where an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[14]

For entries that were not reported in the U.S. sales databases submitted by exporters individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[15] The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

Finally, with respect to Kumar Industries and Rudraa International, the companies for which these reviews are rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be that established in the final results of review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all

[8] *See* 19 CFR 351.309(c)(1)(ii).

[9] *See* 19 CFR 351.309(c)(2).

[10] *See* 19 CFR 351.309(d).

[11] *See* 19 CFR 351.310(c).

[12] *See* 19 CFR 351.212(b)(1).

[13] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8103 (February 14, 2012) (*Final Modification for Reviews*).

[14] *See* 19 CFR 351.106(c)(2).

[15] *Id.*

PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, including Huayang Chemical, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: March 31, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
A. *Bona Fides* Inquiry
B. Non-Market Economy (NME) Country Status
C. Separate Rates Determination
1. Absence of *De Jure* Control
2. Absence of *De Facto* Control
D. The PRC-Wide Entity
E. Surrogate Country
1. Same Level of Economic Development
2. Producers of Identical or Comparable Merchandise
3. Data Considerations
V. Fair Value Comparisons
A. Determination of Comparison Method
B. Date of Sale
C. U.S. Price
1. Export Price
2. Value-Added Tax
D. Normal Value
E. Factor Valuations
F. Market Economy (ME) Prices
G. Surrogate Values
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2017–06994 Filed 4–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–502]

Circular Welded Carbon Steel Pipes and Tubes From Turkey: Preliminary Results of Countervailing Duty Administrative Review; Calendar Year 2015

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on circular welded carbon steel pipes and tubes (pipe and tube) from Turkey for the period of review (POR) of January 1, 2015, through December 31, 2015. Interested parties are invited to comment on these preliminary results.

DATES: Effective April 7, 2017.

FOR FURTHER INFORMATION CONTACT: Patricia Tran or Jolanta Lawska, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–1503 and 202–482–8362, respectively.

Background

On May 2, 2016, the Department published a notice of initiation of an administrative review of the countervailing duty order on pipe and tube from Turkey.[1] On October 21, 2016, the Department extended the deadline for the preliminary results to March 31, 2017.[2]

Scope of the Order

The products covered by this order are certain welded carbon steel pipe and tube with an outside diameter of 0.375 inch or more, but not over 16 inches, of any wall thickness (pipe and tube) from Turkey. These products are currently provided for under the Harmonized Tariff Schedule of the United States (HTSUS) as item numbers 7306.30.10, 7306.30.50, and 7306.90.10. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[3] For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.[4] 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/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum re identical in content.

Preliminary Results of Review

The Department determines that the following preliminary net subsidy rates exist for the period January 1, 2015, through December 31, 2015:

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 26203 (May 2, 2016).

[2] *See* Memorandum to Christian Marsh, ''Circular Welded Carbon Steel Pipes and Tubes from Turkey: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated October 21, 2016.

[3] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

[4] *See* the accompanying Decision Memorandum for Preliminary Results of Countervailing Duty (CVD) Administrative Review: Circular Welded Carbon Steel Pipes and Tubes Products from Turkey (Preliminary Decision Memorandum) from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with these results and hereby adopted by this notice.

Company	Net subsidy rates (percent)
Borusan Group, Borusan Holding, A.S. (Borusan Holding), Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (Borusan), Borusan Istikbal Ticaret T.A.S. (Istikbal), (collectively, the Borusan Companies) [5].	0.37 *ad valorem (de minimis).*
Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan)	8.63 *ad valorem.*
Guven Steel Pipe (also known as Guven Celik Born San. Ve Tic. Ltd.) (Guven)	8.63 *ad valorem.*
Toscelik Profil ve Sac Endustrisi A.S. (Toscelik Profil), Tosyali Dis Ticaret AS. (TDT), and Tosyali Holding (Tosyali) (collectively, the Toscelik Companies) [6].	8.63 *ad valorem.*
Umran Celik Born Sanayii A.S. (also known as Umran Steel Pipe Inc.) (Umran)	8.63 *ad valorem.*
Yucel Boru ye Profil Endustrisi A.S, Yucelboru Ihracat Ithalat ye Pazarlama A.S, and Cayirova Boru Sanayi ye Ticaret A.S.) (collectively, the Yucel Companies).	8.63 *ad valorem.*

For the companies for which a review was requested that were not selected as mandatory company respondents, and which we are not finding to be cross-owned with the mandatory company respondents—*i.e.,* Erbosan, Guven, Umran, and the Yucel Companies—we are preliminarily basing the subsidy rate on the subsidy rate calculated for the Toscelik Companies.

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we assigned a subsidy rate for each producer/exporter subject to this administrative review. Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Rates

Pursuant to section 751(a)(2)(C) of the Act, the Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated for each of the companies listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash 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.[7] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[8] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] All briefs must be filed electronically using ACCESS.

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system.[10] 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, 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.[11] Issues addressed at the hearing will be limited to those raised in the briefs.[12]

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: March 31, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

I. Summary
II. Background
III. Scope of the Order
IV. Subsidies Valuation Information
  A. Allocation Period
  B. Attribution of Subsidies
  C. Benchmark Interest Rates
V. Non-Selected Rate
VI. Analysis of Programs Preliminarily Determined To Be Countervailable
  A. Deduction From Taxable Income for Export Revenue
  B. Short-Term Pre-Shipment Rediscount Program
  C. Provision of Hot-Rolled Steel (HRS) for Less Than Adequate Remuneration (LTAR)
  D. Inward Processing Certificate Exemption
  E. Law 6486: Social Security Premium Incentive
  F. Law 5084: Allocation of Free Land and Purchase of Land for LTAR
  G. Export Financing: Export-Oriented Working Capital Program
VII. Program Found To Confer Countervailable Benefit That Is Less Than 0.005 Percent *Ad Valorem*
VIII. Programs Preliminarily Determined To Not Be Used
IX. Recommendation

[FR Doc. 2017–06999 Filed 4–6–17; 8:45 am]

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[5] For the Borusan Companies, we initiated on the following: Borusan Birlesik Boru Fabrikalari San ve Tic., Borusan Gemlik Boru Tesisleri A.S., Borusan Ihicat ve Dagitim A.S, Borusan Ihracat Ithalat ve Dagitim A.S., Borusan Istikbal Ticatet T.A.S., Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Tubeco Pipe and Steel Corporation.

[6] For the Toscelik Companies, we initiated on the following: Toscelik Metal Ticaret A.S, Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S.

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[9] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[10] *See* 19 CFR 351.310(c).

[11] *See* 19 CFR 351.310.

[12] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF272

Marine Mammals; File No. 20466

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Alaska Department of Fish and Game (ADF&G), Division of Wildlife Conservation, Juneau, AK (Responsible Party: Robert Small, Ph.D.), has applied in due form for a permit to conduct research on ice seals in Alaska.

DATES: Written, telefaxed, or email comments must be received on or before May 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 (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 20466 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: Sara Young or Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests a five-year permit to conduct scientific research on spotted (*Phoca largha*), ringed (*Phoca hispida*), bearded (*Erignathus barbatus*), and ribbon (*Histriophoca fasciata*) seals in the Bering, Chukchi, and Beaufort seas of Alaska. The purpose of this research is to monitor the status and health of all four species by analyzing samples from the subsistence harvest and by documenting movements and habitat use by tracking animals with satellite transmitters. In addition to sampling harvested seals, the applicant would capture up to 200 individuals of each species per year. Captured seals would be measured, sampled (*e.g.,* blood, blubber, skin, muscle, and whisker), and fitted with transmitters. The applicant also requests permission to harass non-target seals of each species as well as beluga whales, and authorization for a limited number of research-related mortalities. Results of these studies would be used to monitor the health and status of each of the four species' populations, improve population assessments, and develop mitigation measures to minimize disturbance to these species that are important to the indigenous people of Alaska for subsistence food, materials, and for cultural significance. Samples would be imported from Russia, Canada, Svalbard (Norway) and exported to Canada for analyses.

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 the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 3, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–06943 Filed 4–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF116

Endangered Species; Permit Nos. 17861, 19641, 20314, 20340, 20347, 20351, 20528, 20548, and 20651

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

ACTION: Notice; issuance of permits.

SUMMARY: Notice is hereby given that nine individuals or organizations have been issued permits to take Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*) for purposes of scientific research.

ADDRESSES: The permits and related documents are available for review 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.

FOR FURTHER INFORMATION CONTACT: Malcolm Mohead or Erin Markin, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On January 18, 2017, a notice was published in the **Federal Register** [82 FR 5536] announcing nine requests for scientific research permits to take Atlantic sturgeon and shortnose sturgeon had been submitted. The requested permits have been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226). Each permit is issued to an individual permit holder or organization and its responsible party (RP), and is summarized as follows:

Permit No. 17861: Douglas Peterson (Permit Holder), University of Georgia Warnell School of Forestry, Athens, GA 30602, was issued a 10-year scientific research permit to study the ecology, population dynamics, and status of Atlantic sturgeon and shortnose sturgeon in Georgia and Florida river systems. Sturgeon of each species are authorized to be captured with nets during spring and fall and then tagged with passive integrated transponder (PIT) tags, and Floy tags, genetic tissue sampled, and measured and weighed prior to release. Subsets of fish will be acoustically tagged, gonadal sampled through endoscopic sex determination, and have blood and fin-ray samples taken. Early life stages of each species are also authorized to be collected, documenting the occurrence and periodicity of spawning in Georgia and Florida river systems.

Permit No. 19641: The Connecticut Department of Energy and Environmental Protection, Marine Fisheries, Tom Savoy (RP), P.O. Box 719, Old Lyme, CT 06371, was issued a ten-year scientific research permit to study Atlantic sturgeon and shortnose sturgeon in Connecticut waters, monitoring their presence, abundance, age and sex composition, habitat utilization, and seasonal movement. Atlantic sturgeon and shortnose sturgeon are authorized to be captured with nets and trawls, and then measured, weighed, tissue sampled, PIT tagged, Floy tagged, and photographed,

prior to release. A subset of fish also will be fin ray sampled, blood sampled, acoustic tagged, and gastric lavaged.

Permit No. 20314: The U.S. Fish and Wildlife Service, Albert Spells (RP), 11110 Kimages Road, Charles City 23030, was issued a 10-year scientific research permit to study Atlantic sturgeon in the Chesapeake Bay and its Maryland, Virginia and Delaware tributaries. The research objectives are to identify the health of the Atlantic sturgeon population, monitor reproductive success, spawning adult and juvenile abundance in tributaries, and evaluate movement patterns and habitat preferences in and between tributaries of the Bay. Adult and juvenile Atlantic sturgeon are authorized to be captured with nets and trawls and then measured, genetic tissue sampled, PIT tagged, Floy tagged, photographed, and weighed and measured prior to release. A subset of fish will be acoustically tagged and have fin rays, blood and gonad tissues sampled. Early life stages will also be collected to document the occurrence and periodicity of spawning of Atlantic sturgeon in Chesapeake Bay tributaries.

Permit No. 20340: The New York State Department of Environmental Conservation, Kim McKown (RP), 205 Belle Mead Road, East Setauket, NY 11733, was issued a 10-year scientific research permit to conduct studies on Atlantic sturgeon and shortnose sturgeon in the Hudson River. Major objectives include acoustic telemetry and mark-recapture studies to determine adult and juvenile Atlantic sturgeon and shortnose sturgeon movement, population numbers, and habitat preference. Fish are authorized to be captured by gill nets in year-round sampling, and then measured, weighed, PIT tagged, genetic tissue sampled, and photographed before release. A subset of these fish will be externally and/or internally tagged, fin ray sampled for aging, gastric lavaged, gonadal biopsied, and blood sampled. Early life stages of Atlantic sturgeon and shortnose sturgeon will be collected, documenting the occurrence of spawning in the Hudson River.

Permit No. 20347: The University of Maine, School of Marine Sciences, Gayle Zydlewski (RP), 5741 Libby Hall, Room 202A, Orono, ME 04469, was issued a 10-year scientific research permit authorizing research on Atlantic sturgeon and shortnose sturgeon occurring in the Gulf of Maine (GOM) and its tributaries. Adult, and juvenile sturgeon of each species will be sampled with nets, trawls, and trotlines, annually, and then measured, weighed, PIT tagged, tissue sampled, and photographed. A subset will be acoustically tagged, apical scute and fin ray sampled for age analysis, gastric lavaged, borescoped, and blood sampled. Early life stages of both sturgeon species will be collected to document the occurrence of spawning in GOM tributaries.

Permit No. 20351: The School of Marine and Atmospheric Sciences, Stony Brook University, Michael Frisk (RP), Stony Brook, NY 11794, was issued a 10-year scientific research permit to conduct studies on Atlantic sturgeon and shortnose sturgeon, examining the movement Atlantic sturgeon marine aggregation areas located in New York, New Jersey, Delaware, and Connecticut waters. Research will also provide genetic stock identification and acquire diet, age, and parasite-prevalence data. Other objectives will target Atlantic sturgeon adult and sub-adults within the marine aggregation areas, and juvenile Atlantic and shortnose sturgeon in the Hudson and Delaware Rivers. Sturgeon are authorized to be captured with nets and trawls, then measured, weighed, PIT tagged, tissue sampled, and photographed before release. A subset of these fish will be acoustically tagged, fin ray sampled, gastric lavaged, gonadal sampled, apical scute sampled, ultrasound performed, and blood sampled. Early life stages of both sturgeon species will be collected, documenting the occurrence of spawning in the Hudson and Delaware Rivers.

Permit No. 20528: The South Carolina Department of Natural Resources, Bill Post (RP), 217 Fort Johnson Road, Charleston, SC 29412, was issued a 10-years scientific research permit to conduct studies on Atlantic sturgeon and shortnose sturgeon in South Carolina waters, determining their presence, status, health, habitat use, and movements. Atlantic sturgeon and shortnose sturgeon are authorized to be captured with nets, and then measured, weighed, PIT tagged, genetic tissue sampled, and photographed before released. A subset of these individuals will be acoustically tagged, fin ray sampled, and gonadal biopsied. Early life stages of both sturgeon species will be collected, documenting the occurrence and periodicity of spawning in South Carolina river systems.

Permit No. 20548: Dewayne Fox (Permit Holder), Delaware State University, Department of Agriculture and Natural Resources, 1200 North DuPont Highway, Dover, DE 19901, was issued a 10-year scientific research permit to study Atlantic sturgeon and shortnose sturgeon using gillnets, biotelemetry, and hydroacoustic tools in the Delaware and Hudson Rivers and estuaries, and in Atlantic coastal environments between Virginia and New York. The primary objective are developing quantitative estimates of run size, recruitment, and habitat assessment. Atlantic sturgeon and shortnose sturgeon are authorized to be captured, measured, weighed, PIT tagged, tissue sampled, and photographed. A subset of individuals will be externally and/or internally tagged, fin ray sampled, blood sampled, and gonadal biopsied. Early life stages of Atlantic sturgeon will be collected to document the occurrence of spawning in river systems.

Permit No. 20651: Entergy Indian Point, Anthony Vitale (RP), 450 Broadway, Buchanan, NY 10511, was issued a 5-year scientific research permit for conducting research on Atlantic sturgeon and shortnose sturgeon in the Hudson River and Estuary for the Hudson River Biological Monitoring Program (HRBMP), involving fisheries sampling to monitor ichthyoplankton and juvenile fish abundance and distribution from Battery Park, Manhattan, upstream to Troy Dam during March through October, and in portions of New York Harbor during November through April. Atlantic sturgeon and shortnose sturgeon are authorized to be captured with trawls and nets, and then measured, weighed, PIT tagged, tissue sampled, and photographed. Early life stages of each species will be collected to document occurrence of spawning in the Hudson River.

Issuance of these permits, as required by the ESA, was based on a finding that such permits were: (1) Applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 4, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–07000 Filed 4–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RINs 0648–XE743, 0648–XE614, 0648–XF085, and 0648–XB065

Marine Mammals and Endangered Species; File Nos. 15844–02, 18059, 20114, and 20443

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

ACTION: Notice; issuance of permits and permit amendments.

SUMMARY: Notice is hereby given that permits and permit amendments have been issued to the following entities:

RIN 0648–XB065; Permit No. 15844–02: Glacier Bay National Park and Preserve, Gustavus, AK, 99826 [Responsible Party: Philip N. Hooge];

RIN 0648–XF085; Permit No. 18059: David Wiley, Ph.D., Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066;

RIN 0648–XE614; Permit No. 20114: Commonwealth of Northern Mariana Islands (CNMI) Department of Lands & Natural Resources, Sea Turtle Program, Caller Box 10007 Saipan, MP 96950 Northern Mariana Islands [Responsible Party: Richard B. Seman];

RIN 0648–XE743; Permit No. 20443: Alaska Department of Fish and Game, PO Box 115526, Juneau, AK, 99811–5526 [Responsible Party: Robert Small, Ph.D.].

ADDRESSES: The permits and related documents are available for review 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.

FOR FURTHER INFORMATION CONTACT: Courtney Smith (File No. 15844–02) Sara Young (File No. 18059, 20443), and Amy Hapeman (File No. 20114) at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** that requests for a permit or permit amendment had been submitted by the above-named applicants. The requested permits have been issued under 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), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Permit No. 15844–02: The original permit (77 FR 14352, March 9, 2012) authorizes Glacier Bay National Park and Preserve to conduct passive acoustics, videography, photo-identification surveys, biopsy sampling, and collect sloughed skin and/or feces to study humpback whales, killer whales and minke whales. Research would occur around southeastern Alaska especially in Glacier Bay National Park and Preserve. The amended permit (No. 15844–02) extends the original permit for one year—through February 28, 2018, or until the permit holder has exhausted the total number of takes authorized for the fifth year of the permit, whichever occurs first.

Permit No. 18059: The requested permit (82 FR 3727, January 12, 2017) authorizes research to investigate the foraging ecology, habitat use, physiology, and acoustic and social behavior of humpback (*Megaptera noveaeangliae*), fin (*Balaenoptera physalus*), minke (*B. acutorostrata*), and sei (*B. borealis*) whales in the Gulf of Maine. Up to 130 adult and juvenile humpback, 90 fin, 60 minke, and 70 sei whales will be approached for suction cup tagging, prey mapping, obtaining biological samples including biopsies, and photo ID. Up to 10 humpback, 5 fin, and 3 sei whale calves will also be approached for tagging and blow sampling. Up to 690 humpback, 480 fin, 250 minke, and 370 sei whales will be incidentally harassed during research. The permit is valid for five years from the date of issuance.

Permit No. 20114: The requested permit (81 FR 37576, June 10, 2016) authorizes researchers to study green (*Chelonia mydas*) and hawksbill (*Eretmochelys imbricata*) sea turtles in the waters of the CNMI to characterize their population structure, size class composition, foraging ecology, health, and migration patterns. Researchers may capture live sea turtles by hand and perform a suite of biological sampling, marking, and tagging procedures prior to release. Carcasses and parts of dead sea turtles may also be salvaged. The permit is valid through February 15, 2022.

Permit No. 20443: The requested permit (81 FR 83202, November 21, 2016) authorizes research on harbor seals (*Phoca vitulina*) throughout their range in Alaska including Southeast Alaska, Gulf of Alaska and Bering Sea. The research activities include aerial, vessel and ground surveys, radio tracking, photo-identification, photograph/video, behavioral observations and monitoring, and capture of up to 350 animals by entanglement in a net in the water or by hoop net or dip net on land. Captured animals may be chemical restraint; physical restraint by hand, net, cage or stretcher. Researchers may collect biological samples (*e.g.,* scat, blood, milk from lactating females, blubber, muscle, skin, hair, mucus membrane swabs, stomach content subsample, tooth and vibrissae); standard morphometrics and weight; measurements of blubber via ultrasound; and inject PIT tags and attach flipper tags. A subset of the captured animals may also be outfitted with external transmitters and dataloggers. The applicant also requests export (worldwide) and import of samples for analysis, incidental disturbance and unintentional mortality of harbor seals and porpoises (*Phocoena phocoena*), and intentional mortality (euthanasia) of harbor seals. The permit is valid for five years from date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 4, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–07001 Filed 4–6–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF331

Marine Mammals; File No. 21280

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Columbus Zoo Park Association,

Inc., 9990 Riverside Drive, P.O. Box 400, Powell, OH 43065–0400 [Greg Bell, Responsible Official] has applied in due form for a permit to import seven California sea lions (*Zalophus californianus*) for public display purposes.

DATES: Written, telefaxed, or email comments must be received on or before May 8, 2017.

ADDRESSES: These documents are 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. 21280 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: Jennifer Skidmore or Courtney Smith, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to import seven captive-born California sea lions from Shanghai Changfeng Ocean World in Shanghai City, China to the Columbus Zoo satellite facility in Myakka City, FL for the purpose of public display. The Columbus Zoo has provided documentation that its satellite facility will be: (1) Open to the public on regularly scheduled basis with access that is not limited or restricted other than by charging for an admission fee; (2) offers a conservation and educational program based on professionally accepted standards of the Association of Zoos and Aquariums; and (3) holds an Exhibitor's License issued by the U.S. Department of Agriculture under the Animal Welfare Act (7 U.S.C. 2131–59).

In addition to determining whether the applicant meets the three public display criteria, NMFS must determine whether the applicant has demonstrated that the proposed activity is humane and does not represent any unnecessary risks to the health and welfare of marine mammals; that the proposed activity by itself, or in combination with other activities, will not likely have a significant adverse impact on the species or stock; and that the applicant's expertise, facilities and resources are adequate to accomplish successfully the objectives and activities stated in the application. The requested duration of the permit is five years.

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 the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 3, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–06935 Filed 4–6–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Economic Surveys of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands Small Boat-Based Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 6, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Minling Pan, Pacific Islands Fisheries Science Center, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, (808) 725–5349 or *Minling.Pan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The National Marine Fisheries Service (NMFS) collects information about fishing expenses in the American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI) boat-based reef fish, bottomfish, and pelagics fisheries with which to conduct economic analyses that will improve fishery management in those fisheries; satisfy NMFS' legal mandates under Executive Order 12866, the Magnuson-Steven Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act; and quantify achievement of the performances measures in the NMFS Strategic Operating Plans. An example of these performance measures: The economic data collected will allow quantitative assessment of the fisheries sector's social and economic contribution, linkages and impacts of the fisheries sector to the overall economy through Input-output (I–O) models analyses. Results from I–O analyses will not only provide indicators of social-economic benefits of the marine ecosystem, a performance measure in the NMFS Strategic Operating Plans, but also be used to assess how fishermen and economy will be impacted by and respond to regulations likely to be considered by fishery managers. These data are collected in conjunction with catch and effort data already being collected in this fishery as part of its creel survey program. The creel survey program is one of the major data collection systems to monitor fisheries resources in these three geographic areas. The survey monitors the islands' fishing activities and interviews returning fishermen at the most active launching ramps/docks during selected time periods on the islands. Participation in the economic data collection is voluntary.

II. Method of Collection

The economic surveys are conducted via in-person interviews when a fishing trip is completed. Captains of selected vessels by the creel survey are interviewed to report information about trip costs, input usage, and input prices.

III. Data

OMB Control Number: 0648–0635.

Form Number(s): None.

Type of Review: Regular (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 600.

Estimated Time per Response: 10 minutes per trip survey.

Estimated Total Annual Burden Hours: 100.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 4, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–07002 Filed 4–6–17; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and a service from the Procurement List that were previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* May 7, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products and service are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s): 6135–01–096–0330—Battery, Non-Rechargeable, Button, 1.55V, Silver Oxide

Mandatory Source(s) of Supply: Eastern Carolina Vocational Center (ECVC), Greenville, NC

Contracting Activity: Defense Logistics Agency Land and Maritime

NSN(s)—Product Name(s):
8415–01–536–4140—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6½
8415–01–536–4144—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6⅜
8415–01–536–4148—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6⅝
8415–01–536–4152—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6¾
8415–01–536–4181—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6⅞
8415–01–536–4183—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7
8415–01–536–4185—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7⅛
8415–01–536–4212—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7¼
8415–01–536–4218—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7⅜
8415–01–536–4221—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7½
8415–01–536–4223—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7⅝
8415–01–536–4226—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7¾
8415–01–536–4229—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7⅞
8415–01–536–4233—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8
8415–01–536–4236—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8⅛
8415–01–536–4240—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8¼
8415–01–536–4245—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8⅜
8415–01–536–4248—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8½

Mandatory Source(s) of Supply: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY

Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name(s):
8415–01–542–5438—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, S
8415–01–542–5457—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XS
8415–01–542–5442—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, M
8415–01–543–7062—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, M–L
8415–01–542–5444—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, L
8415–01–542–5446—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, L–L
8415–01–542–5448—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XL
8415–01–542–5450—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XL–L
8415–01–542–5451—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XXL
8415–01–542–5459—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XXLL
8415–01–542–5461—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XXXL
8415–01–542–5464—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XXXLL
8415–01–542–5809—Trousers, ECWCS, Level 1, PCU, Army, Brown, XS
8415–01–542–5790—Trousers, ECWCS, Level 1, PCU, Army, Brown, S
8415–01–542–5792—Trousers, ECWCS, Level 1, PCU, Army, Brown, M
8415–01–543–7012—Trousers, ECWCS, Level 1, PCU, Army, Brown, M–L
8415–01–542–5794—Trousers, ECWCS, Level 1, PCU, Army, Brown, L
8415–01–542–5799—Trousers, ECWCS, Level 1, PCU, Army, Brown, L–L
8415–01–542–5801—Trousers, ECWCS, Level 1, PCU, Army, Brown, XL
8415–01–542–5806—Trousers, ECWCS, Level 1, PCU, Army, Brown, XL–L
8415–01–542–5810—Trousers, Cold Weather Level 1, ECWCS, PCU, Army, Brown, XXL
8415–01–542–5786—Trousers, ECWCS, Level 1, PCU, Army, Brown, XXLL
8415–01–543–0426—Trousers, Lightweight ECWCS Level 1, PCU, Army, Brown, XXXLL

Mandatory Source(s) of Supply: ReadyOne Industries, Inc., El Paso, TX

Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division

NSN(s)—Product Name(s):
8410–01–556–0054—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4R

8410–01–556–0161—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26L
8410–01–556–0059—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8R
8410–01–556–0063—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8L
8410–01–556–0070—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10R
8410–01–556–0075—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10L
8410–01–556–0080—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12R
8410–01–556–0083—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12L
8410–01–556–0087—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14R
8410–01–556–0090—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14L
8410–01–556–0095—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16R
8410–01–556–0100—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16L
8410–01–556–0110—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18R
8410–01–556–0117—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18L
8410–01–556–0122—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20R
8410–01–556–0134—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20L
8410–01–556–0141—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22L
8410–01–556–0151—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24L
8410–01–556–0056—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 6R
8410–01–579–3671—Shirt, Army, Women's, Short Sleeve, White, 22 Regular, PGC 03430
8410–01–579–3675—Shirt, Army, Women's, Short Sleeve, White, 24 Regular, PGC 03430
8410–01–579–3680—Shirt, Army, Women's, Short Sleeve, White, 26 Regular, PGC 03430
8410–00–0SH–TA17—Shirt, Army, Women's, Short Sleeve, White, Special Measurement, PGC 03430
8410–01–555–9462—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16S
8410–01–555–9463—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16R
8410–01–555–9470—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16L
8410–01–555–9499—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16XL
8410–01–555–9506—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16XX
8410–01–555–9510—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18S
8410–01–555–9514—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18R
8410–01–555–9520—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18L
8410–01–555–9525—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18XL
8410–01–555–9528—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18XXL
8410–01–555–9533—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20S
8410–01–555–9537—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20R
8410–01–555–9543—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20L
8410–01–555–9549—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20XL
8410–01–555–9612—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20XXL
8410–01–555–9924—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22R
8410–01–555–9938—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22L
8410–01–555–9947—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22XL
8410–01–555–9954—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22XXL
8410–01–555–9959—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24R
8410–01–555–9974—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24L
8410–01–555–9980—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24XL
8410–01–555–9984—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24XXL
8410–01–555–9987—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26R
8410–01–555–9992—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26L
8410–01–555–9994—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26XL
8410–01–556–0000—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26XXL
8410–01–556–0028—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14L
8410–01–555–9082—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4XS
8410–01–555–9088—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4S
8410–01–555–9091—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4R
8410–01–555–9094—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4L
8410–01–555–9097—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 6XS
8410–01–555–9100—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 6S
8410–01–555–9107—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 6R
8410–01–555–9112—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 6L
8410–01–555–9117—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8XS
8410–01–555–9125—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8S
8410–01–555–9133—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8R
8410–01–555–9136—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8L
8410–01–555–9145—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10XS
8410–01–555–9154—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10S
8410–01–555–9178—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10R
8410–01–555–9387—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10L
8410–01–555–9389—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10XL
8410–01–555–9391—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12S
8410–01–555–9394—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12R
8410–01–555–9398—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12L
8410–01–555–9404—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12XL
8410–01–555–9407—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12XX
8410–01–555–9422—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14S
8410–01–555–9426—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14R
8410–01–555–9435—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14XL
8410–01–555–9455—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14XX
8410–01–498–0721—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 46/14
8410–01–498–0730—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 46/15
8410–01–498–0731—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 46/16
8410–01–498–0732—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 46/17
8410–01–498–0733—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 48/14
8410–01–498–0735—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 48/15
8410–01–498–0736—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 48/16
8410–01–498–0738—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 48/17
8410–01–498–0757—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 50/14
8410–01–498–0741—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 50/15
8410–01–498–0742—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 50/16
8410–01–498–0743—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 50/17
8410–01–498–0744—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 50/18
8410–01–498–0750—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 52/14
8410–01–498–0751—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 52/15
8410–01–498–0758—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 52/16
8410–01–498–0759—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 52/17
8410–01–512–7489—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 44/14
8410–01–512–7497—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 44/15
8410–01–512–7502—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 44/16
8410–01–069–6612—Shirt, Dress, Navy, Women's, Short Sleeved, White, 32x13
8410–01–069–6613—Shirt, Dress, Navy, Women's, Short Sleeved, White, 34x12
8410–01–069–6614—Shirt, Dress, Navy, Women's, Short Sleeved, White, 34x13
8410–01–069–6615—Shirt, Dress, Navy, Women's, Short Sleeved, White, 34x14
8410–01–069–6616—Shirt, Dress, Navy, Women's, Short Sleeved, White, 34x15
8410–01–069–6617—Shirt, Dress, Navy, Women's, Short Sleeved, White, 36x13

8410–01–069–6618—Shirt, Dress, Navy, Women's, Short Sleeved, White, 36x14
8410–01–069–6619—Shirt, Dress, Navy, Women's, Short Sleeved, White, 36x15
8410–01–069–6620—Shirt, Dress, Navy, Women's, Short Sleeved, White, 38x13
8410–01–069–6621—Shirt, Dress, Navy, Women's, Short Sleeved, White, 38x14
8410–01–069–6622—Shirt, Dress, Navy, Women's, Short Sleeved, White, 38x15
8410–01–069–6623—Shirt, Dress, Navy, Women's, Short Sleeved, White, 38x16
8410–01–069–6624—Shirt, Dress, Navy, Women's, Short Sleeved, White, 40x14
8410–01–069–6625—Shirt, Dress, Navy, Women's, Short Sleeved, White, 40x15
8410–01–069–6626—Shirt, Dress, Navy, Women's, Short Sleeved, White, 40x16
8410–01–069–6627—Shirt, Dress, Navy, Women's, Short Sleeved, White, 42x16
8410–01–349–9356—Shirt, Dress, Navy, Women's, Short Sleeved, White, 42x15

Mandatory Source(s) of Supply: Middle Georgia Diversified Industries, Inc., Dublin, GA

Contracting Activity: Defense Logistics Agency Troop Support

Service

Service Type: Janitorial/Custodial Service

Mandatory for: Federal Supply Service Depot: 4100 West 76th Street, Chicago, IL

Mandatory Source(s) of Supply: Lester and Rosalie Anixter Center, Chicago, IL

Contracting Activity: General Services Administration, FPDS Agency Coordinator

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–06972 Filed 4–6–17; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Deletions

AGENCY: Committee for Purchase From People Who are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes products from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 7, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 2/24/2017 (82 FR 11562), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

PRODUCTS

NSN(s)—Product Name(s): PSIN 01249A—Replaced—Tray Marker
PSIN 01249B—Replaced—Tray Marker
PSIN 01249C—Replaced—Tray Marker
PSIN 01249D—Replaced—Tray Marker
PSIN 01249E—Replaced—Tray Marker
PSIN 01249F—Replaced—Tray Marker
PSIN 01250A—Replaced—Tray Marker
PSIN 01250B—Replaced—Tray Marker
PSIN 01250C—Replaced—Tray Marker
PSIN 01250D—Replaced—Tray Marker
PSIN 01250E—Replaced—Tray Marker
PSIN 01250F—Replaced—Tray Marker
PSIN 1251A—Replaced—Tray Marker
PSIN 1251B—Replaced—Tray Marker
PSIN 1251C—Replaced—Tray Marker
PSIN 1251D—Replaced—Tray Marker
PSIN 1251E—Replaced—Tray Marker
PSIN 1251F—Replaced—Tray Marker
PSIN 1251G—Replaced—Tray Marker

Mandatory Source(s) of Supply: Brooke Industries, Inc., Fond du Lac, WI

Contracting Activity: USPS Vehicles & Delivery and Industrial Equipment CMC

NSN(s)—Product Name(s): 8465–00–521–3057F—Case, Belt Weather Kit

Contracting Activity: General Services Administration, Fort Worth, TX

NSN(s)—Product Name(s): 8465–00–521–3057—Case, Belt Weather Kit

Contracting Activity: Defense Logistics Agency Troop Support

Mandatory Source(s) of Supply: Habilitation Center for the Handicapped, Inc., Boca Raton, FL

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–06973 Filed 4–6–17; 8:45 am]

BILLING CODE 6353–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Community Bank Advisory Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the announcement of a public meeting of the Community Bank Advisory Council (CBAC or Council) of the Consumer Financial Protection Bureau (Bureau or CFPB). The notice also describes the functions of the Council. Notice of the meeting is permitted by section 9 of the CBAC Charter and is intended to notify the public of this meeting.

DATES: The meeting date is Tuesday, April 25, 2017, 3:00 p.m. to 5:00 p.m. eastern daylight time.

ADDRESSES: The meeting location is the Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Crystal Dully, Outreach and Engagement Associate, 202–435–9588, *CFPB_CABandCouncilsEvents@cfpb.gov,* Consumer Advisory Board and Councils Office, External Affairs, 1275 First Street NE., Washington, DC 20002.

SUPPLEMENTARY INFORMATION:

I. Background

Section 9(d) of the CBAC Charter states:

(1) Each meeting of the Council shall be open to public observation, to the extent that a facility is available to accommodate the public, unless the Bureau, in accordance with paragraph (4) of this section, determines that the meeting shall be closed. The Bureau also will make reasonable efforts to make the meetings available to the public through live recording. (2) Notice of the time, place and purpose of each meeting, as well as a summary of the proposed agenda, shall be published in the **Federal Register** not more than 45 or less than 15 days prior to the scheduled meeting date. Shorter notice may be given when the Bureau determines that the Council's business so requires; in such event, the public will be given notice at the earliest practicable time. (3) Minutes of meetings, records, reports, studies, and agenda of the Council shall be posted on the Bureau's Web site (*www.consumerfinance.gov*). (4) The Bureau

may close to the public a portion of any meeting, for confidential discussion. If the Bureau closes a meeting or any portion of a meeting, the Bureau will issue, at least annually, a summary of the Council's activities during such closed meetings or portions of meetings.

Section 2 of the CBAC Charter provides: ''Pursuant to the executive and administrative powers conferred on the Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Community Bank Advisory Council to consult with the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to community banks with total assets of $10 billion or less.''

Section 3 of the CBAC Charter states: ''(a) The CFPB supervises depository institutions and credit unions with total assets of more than $10 billion and their respective affiliates, but other than the limited authority conferred by § 1026 of the Dodd-Frank Act, the CFPB does not have supervisory authority regarding credit unions and depository institutions with total assets of $10 billion or less. As a result, the CFPB does not have regular contact with these institutions, and it would therefore be beneficial to create a mechanism to ensure that their unique perspectives are shared with the Bureau. Small Business Regulatory Enforcement Fairness Act (SBREFA) panels provide one avenue to gather this input, but participants from community banks must possess no more than $175 million in assets, which precludes the participation of many. (b) The Advisory Council shall fill this gap by providing an interactive dialogue and exchange of ideas and experiences between community bankers and Bureau staff. (c) The Advisory Council shall advise generally on the Bureau's regulation of consumer financial products or services and other topics assigned to it by the Director. To carry out the Advisory Council's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The output of Advisory Council meetings should serve to better inform the CFPB's policy development, rulemaking, and engagement functions.''

II. Agenda

The Community Bank Advisory Council will discuss alternative data and consumer access to financial records.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to attend the Community Bank Advisory Council meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, Monday, April 24, 2017. Members of the public must RSVP by the due date and must include ''CBAC'' in the subject line of the RSVP.

III. Availability

The Council's agenda will be made available to the public on Monday, April 10, 2017, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the CFPB's Web site *consumerfinance.gov.*

Dated: April 3, 2017.

Leandra English,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2017–06996 Filed 4–6–17; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

	Docket Nos.
CP Bloom Wind LLC	EG17–37–000
Darby Power, LLC	EG17–38–000
Gavin Power, LLC	EG17–39–000
Lawrenceburg Power, LLC	EG17–40–000
Waterford Power, LLC	EG17–41–000
Cotton Plains Wind I, LLC	EG17–42–000
Old Settler Wind, LLC	EG17–43–000
SolaireHolman 1 LLC	EG17–44–000
Bayshore Solar A, LLC	EG17–45–000
Bayshore Solar B, LLC	EG17–46–000
Bayshore Solar C, LLC	EG17–47–000
Port Comfort Power LLC	EG17–48–000
Chamon Power LLC	EG17–49–000
Arkwright Summit Wind Farm LLC.	EG17–50–000
Quilt Block Wind Farm LLC	EG17–51–000
Cube Yadkin Generation LLC	EG17–52–000
Iron Horse Battery Storage, LLC.	EG17–53–000
Redbed Plains Wind Farm LLC.	EG17–54–000
Meadow Lake Wind Farm V LLC.	EG17–55–000

Take notice that during the month of March 2017, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2016).

Dated: April 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06933 Filed 4–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD17–11–000]

Town of Gypsum, Colorado; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On March 28, 2017, the Town of Gypsum, Colorado, 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 Gypsum Hydroelectric Facility Project would have a combined installed capacity of 85 kilowatts (kW), and would be located along two sections of an existing irrigation pipeline. The project would be located near the Town of Gypsum in Eagle County, Colorado.

Applicant Contact: Tim Beck, 1011 Grand Ave., Glenwood Springs, CO 81601 Phone No. (970) 945–5700, email *jim@townofgypsum.com.*

FERC Contact: Robert Bell, Phone No. (202) 502–6062, email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) A new powerhouse containing one turbine/generating unit with an installed capacity of 85 kW, in an existing 8-inch diameter raw water pipeline prior to entering an existing water treatment plant; (2) a bypass section through a pressure reducing valve; and (3) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 650,000 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 municipal water supply pipeline will not alter its primary purpose. Therefore, based upon the above 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.[1] 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.,* CD17–11) 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: April 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06934 Filed 4–6–17; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2016).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–100–000.

Applicants: Invenergy TN LLC.

Description: Application for Authorization under section 203 of the Federal Power Act and Request for Waivers and Expedited Action of Invenergy TN LLC.

Filed Date: 4/3/17.

Accession Number: 20170403–5417.

Comments Due: 5 p.m. ET 4/24/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1374–000.

Applicants: Cube Yadkin Transmission LLC.

Description: Request for Waiver of the Order No. 1000, Transmission Planning Requirements of Cube Yadkin Transmission LLC.

Filed Date: 4/3/17.

Accession Number: 20170403–5492.

Comments Due: 5 p.m. ET 4/24/17.

Docket Numbers: ER17–1375–000.

Applicants: Wabash Valley Power Association, Inc.

Description: § 205(d) Rate Filing: Notice of Succession to be effective 5/1/2017.

Filed Date: 4/3/17.

Accession Number: 20170403–5494.

Comments Due: 5 p.m. ET 4/24/17.

Docket Numbers: ER17–1376–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2017–04–03_Stored Energy Resource-Type II Compliance Filing to be effective 9/1/2017.

Filed Date: 4/3/17.

Accession Number: 20170403–5496.

Comments Due: 5 p.m. ET 4/24/17.

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: April 3, 2017..

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06932 Filed 4–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–156–003.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2017–03–31_Continued Queue Reform Attachment X Compliance to be effective 1/4/2017.

Filed Date: 3/31/17.

Accession Number: 20170331–5460.

Comments Due: 5 p.m. ET 4/21/17.

Docket Numbers: ER14–1236–001.

Applicants: Elgin Energy Center, LLC.

Description: Compliance filing: Informational Report, E-Tariff & Requests for Waiver and Expedited Consideration to be effective N/A.

Filed Date: 3/31/17.

Accession Number: 20170331–5525.

Comments Due: 5 p.m. ET 4/21/17.

Docket Numbers: ER17–1371–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1266R6 Kansas Municipal Energy Agency NITSA and NOA to be effective 3/1/2017.

Filed Date: 3/31/17.

Accession Number: 20170331–5452.

Comments Due: 5 p.m. ET 4/21/17.

Docket Numbers: ER17–1372–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Rev to the OATT, OA and RAA re: Clean-Up—Business Day to be effective 6/1/2017.

Filed Date: 3/31/17.

Accession Number: 20170331–5493.

Comments Due: 5 p.m. ET 4/21/17.

Docket Numbers: ER17–1373–000.

Applicants: Rocky Road Power, LLC.

Description: Rocky Road Power, LLC submits tariff filing per 35: Informational Report, E-Tariff & Requests for Waiver and Expedited Consideration [ER10–865] to be effective 5/29/2017.

Filed Date: 3/31/17.

Accession Number: 20170331–5520.

Comments Due: 5 p.m. ET 4/21/17.

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: April 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06931 Filed 4–6–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9032–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs)
Filed 03/27/2017 Through 03/31/2017
Pursuant to 40 CFR 1506.9

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20170052, Draft, FEMA, NAT, PROGRAMMATIC—National Flood Insurance Program, Comment Period Ends: 06/06/2017, Contact: Bret Gates 202–646–2780

Dated: April 4, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–06975 Filed 4–6–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comments.

SUMMARY: The Board of Governors of the Federal Reserve System (Board or Federal Reserve) invites comment on a proposal to extend, without revision, the Annual Daylight Overdraft Capital Report for U.S. Branches and Agencies of Foreign Banks (FR 2225). On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), to approve of and assign OMB numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB number.

DATES: Comments must be submitted on or before June 6, 2017.

ADDRESSES: You may submit comments, identified by *FR 2225,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal

Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Report

Report title: Annual Daylight Overdraft Capital Report for U.S. Branches and Agencies of Foreign Banks.

Agency form number: FR 2225.

OMB control number: 7100–0216.

Frequency: Annually.

Reporters: Foreign banking organizations (FBO).

Estimated annual burden hours: 50.

Estimated average hours per response: 1.

Number of respondents: 50.

General description of report: This report was implemented in March 1986 as part of the procedures used to administer the Federal Reserve's Payment System Risk (PSR) policy. A key component of the PSR policy is a limit, or a net debit cap, on an institution's negative intraday balance in its Reserve Bank account. The Federal Reserve calculates an institution's net debit cap by applying the multiple associated with the net debit cap category to the institution's capital. For foreign banking organizations (FBOs), a percentage of the FBO's capital measure, known as the U.S. capital equivalency, is used to calculate the FBO's net debit cap.

FBOs that wish to establish a positive net debit cap and have a strength of support assessment (SOSA) 1 or SOSA 2 ranking or hold a financial holding company (FHC) designation are required to submit the FR 2225 to their Administrative Reserve Bank (ARB).[1] [2]

Legal authorization and confidentiality: The Federal Reserve Board's Legal Division has determined that the FR 2225 is authorized by Sections 11(i), 16, and 19(f) of the Federal Reserve Act (12 U.S.C. 248(i), 248–1, and 464). An FBO is required to respond in order to obtain or retain a benefit, *i.e.,* in order for the U.S. branch or agency of an FBO to establish and maintain a non-zero net debit cap. Respondents are not asked to submit any data that are not ordinarily disclosed to the public; accordingly, such items would not routinely be protected from disclosure under the Freedom of Information Act (FOIA). To the extent an institution submits data it believes are confidential and can establish the potential for substantial competitive harm, those responses would be protected from disclosure pursuant to exemption 4 of the FOIA (5 U.S.C. 552(b)(4)), under the standards set forth in *National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974). Such a determination would be made on a case-by-case basis in response to a specific request for disclosure of the information.

Board of Governors of the Federal Reserve System, April 3, 2017.

Margaret M. Shanks,

Deputy Secretary of the Board.

[FR Doc. 2017–06913 Filed 4–6–17; 8:45 am]

BILLING CODE 6210–01–P

[1] The Administrative Reserve Bank is responsible for the administration of Federal Reserve credit, reserves, and risk-management policies for a given institution or other legal entity.

[2] Most FBOs that are ranked SOSA 3 do not qualify for a positive net debit cap. In the event a Reserve Bank grants a net debit cap or extends intraday credit to a financially healthy SOSA 3-ranked FBO, the financially healthy SOSA 3-ranked FBOs will have their U.S. capital equivalency based on their ''Net due to related depository institutions'' as reported on the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002), Schedule RAL, Item 5.a, Column A, for the most recent quarter.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of application in response to Funding Opportunity Announcement (FOA) RFA–OH–17–001, Miner Safety and Health Training Program—Western United States (U60).

Times and Dates: 1:00 p.m.–6:00 p.m., EDT, May 9, 2017 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Miner Safety and Health Training Program—Western United States (U60)'', RFA–OH–17–001.

Contact Person for More Information: Marilyn Ridenour, B.S.N., M.B.A., M.P.H., Scientific Review Officer, CDC, 1095 Willowdale Road, Mailstop 1811, Morgantown, WV Telephone: (304) 285–5879, *DVN7@CDC.GOV.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–06980 Filed 4–6–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Special Interest Project (SIP) 17–006, Communicating with Youth to Prevent HIV, Other Sexually Transmitted Infections (STIs), and Pregnancy: Identifying Key Messages, Messengers, and Communication Channels.

Time and Date: 10:00 a.m.–6:00 p.m., EDT, May 11, 2017 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Communicating with Youth to Prevent HIV, Other STIs, and Pregnancy: Identifying Key Messages, Messengers, and Communication Channels'', SIP17–006.

Contact Person for More Information: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, *kva5@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–06983 Filed 4–6–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Announcement of Requirements and Registration for the ''Enviro Health App Challenge'' and Challenge Kick-Off Webinar

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) announces the launch of the Enviro Health App Challenge and Challenge Kick-off Webinar. The CDC's Environmental Public Health Tracking Network (Tracking Network: *ephtracking.cdc.gov/showHome.action*) serves as the focus of this Challenge. The Tracking Network is a multi-tiered, Web-based surveillance system with components at CDC, as well as within 25 states and New York City. The data, information, and tools provided are readily accessible to help users identify or investigate environmental health problems; and plan and evaluate programs and policies to address those problems.

With the Enviro Health App Challenge (the Challenge) we are seeking innovative uses for the Tracking Network data that explore the connections between the environment and health.

The Challenge consists of a 12-week idea submission period. Participants will compete for prizes within a $30,000 prize pot.

Award Approving Official: Anne Schuchat, MD (RADM, USPHS), Acting Director, Centers for Disease Control and Prevention, and Acting Administrator, Agency for Toxic Substances and Disease Registry.

DATES: The Challenge is effective April 13, 2017 and will conclude July 19, 2017.

The Challenge Kick-off Webinar is scheduled for April 19, 2017 at 2:00 p.m. Eastern Daylight Time. Please see **SUPPLEMENTARY INFORMATION** for information on how to register for the Kick-off Webinar.

FOR FURTHER INFORMATION CONTACT: Patrick Wall, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway NE., MS F–60, Chamblee, Georgia 30341; Email: *trackingsupport@cdc.gov;* Phone: 1–877–923–TRAC (8722).

SUPPLEMENTARY INFORMATION: Environmental causes of chronic diseases are challenging to identify. Measuring amounts of hazardous substances in our environment in a standardized way, understanding how these hazardous substances change over time and geographic area, and understanding how they may cause illness is critical.

Since 2002, CDC and its local, state, and federal partners have been working to better integrate health and environmental data in order to provide a foundation for improved coordination, assessment and control of health conditions that may be related to the environment through the National Environmental Public Health Tracking (Tracking) Program. The cornerstone of this program, the Tracking Network, is an environmental public health surveillance system providing access to over 400 environmental and health measures for communities across the nation. The Tracking Network is a tool that can help connect these efforts. We want to increase public awareness that the Tracking Network data may help people understand the connections between environmental hazards and chronic illness.

The Challenge timeline is:

Challenge Launch—April 13, 2017
Ideation Period Opens—April 13, 2017
Challenge Kickoff Webinar—April 19, 2017
Ideation Period Closes—June 23, 2017
Evaluation Period: June 27, 2017–July 19, 2017
Notify Semifinalists: July 20, 2017
Semifinalist Resubmission Period: July 31, 2017–August 11, 2017
Final Evaluation Period: August 15, 2017–August 29, 2017
Winners Announcement—By September 1, 2017

Subject of Challenge Competition

Through this Challenge, we want to seed innovative uses for Tracking Network data that explore the connections between the environment and health. The solution should be technology-based, interactive and help facilitate simple and meaningful information to general public audiences. The application must show the potential for what can be done with tracking data, such as:

- Track data indicators
- Monitor trends
- Provide access to data
- Educate the public
- Identify at-risk populations
- Expose potential health hazards

Ideation Period

The Challenge will launch as a 10-week ideation/open submission period in which eligible participants (outlined in Eligibility Rules) may register and submit an entry onto the Challenge Web site (envirohealthchallenge.com). Information about the Challenge and a link to the Challenge Web site can also be found at *Challenge.gov*. The 10-week ideation period will be followed by a 2-week resubmission period held for those who were chosen by the judges as semifinalists to further refine their idea. The Challenge Web site serves as the destination and submission portal. Participants may find the Challenge rules, eligibility criteria, evaluation criteria, additional Tracking Network resources, and the Challenge timeline on the Challenge Web site or at *Challenge.gov.*

Kick-Off Webinar

Individuals interested in this Challenge are invited to participate in the Kick-off Webinar on April 19, 2017 at 2:00 p.m. Eastern Daylight Time. Individuals must pre-register for the webinar at:

URL: *https://attendee.gotowebinar.com/register/8850636876557739779.* After completing the registration, participants will receive a confirmation of their registration along with an identification number to enter prior to the webinar. Persons interested in participating in this Challenge are strongly encouraged to register for and participate in the webinar.

Screening & Review Process

CDC has contracted with Sensis, a company with expertise in developing and managing prize challenges, to manage this Challenge. Once the open submission period has closed, Sensis will review all submissions using the following process: (1) Ensure compliance with the submission requirements (Submission Requirements); and (2) determine eligibility compliance (according to Eligibility Criteria). Entries meeting these requirements will be forwarded to the panel of Challenge judges who will score eligible entries in accordance to the Challenge evaluation criteria. The Challenge judges were selected based on their technical expertise, experience in the field of environmental health tracking, and absence of conflict of interest. Selected judges consist of experts from private industry, the Federal government, and local government.

Final Evaluation & Award

Entries with the highest scores will be selected as semifinalists and will be asked to demonstrate their technology in a live webinar for the judging panel. Following the semifinalist demonstration, participants will enter their final submission through the Challenge submission portal. Judges will evaluate this final submission to provide the ultimate score using the Challenge evaluation criteria (outlined in Section 6.0 Evaluation Criteria). Only entries with the highest scores will be considered finalists for the award. Winners are selected based on the top score earned by their submissions. In case of a tie in scoring, a CDC official on the Challenge team will select the submission that best represents the initial vison of the Challenge. Three (3) winners will be selected and awards will be issued directly by Sensis, who will issue pay out of awards as a requirement of their contract terms.

Submission Requirements

During the open submission period, participants must submit the following information to enter the Challenge. Entries not in compliance with the submission requirements outlined below will be ineligible for further review and prize award. In addition to providing the app or link to the app, contestants should:

- Upload a brief slide presentation that describes the entry. Slide decks should be in .PDF format, and contain a maximum of 10 slides. We strongly recommend you explain how you addressed the evaluation criteria and the key features of the product as they relate to the Challenge.
  - Provide the title of the solution/technology.
  - Provide a background description of the technology.
  - Identify the user and target audience.
  - One of the slides in the presentation should be a narrative explaining how the app is intended to work.
  - State how the technology integrates data from CDC's Environmental Public Health Tracking Network API as well as other data sources where applicable.
  - Provide general information about the applicant and team members. This may include skills, professional affiliations and achievements.
- Provide a public or private link to a 2–4 minute demonstration video showing the application in action. Videos should be posted to common video-sharing sites such as YouTube.
- If the Application is awarded and the applicant would like their application to be showcased on the CDC Web site, it must be Section 508-compliant. For information on Section 508-compliance, and tools for implementation, visit: *www.section508.gov.*
- All Submissions and supporting material must be in English.
- Neither the HHS nor CDC name nor logos will be used in the app or the icon for the app.
- Submit by the deadline using the online platform.
- (Optional) Development plan and timeline that describes key activities and resources required to further develop the technology. Include any resources, including team capabilities, materials, processes, or others needed to further develop the technology.

How To Participate

Participants can register by visiting the Challenge Web site (*envirohealthchallenge.com*) anytime during the proposal submission period stated above. Information about the Challenge and a link to the Challenge Web site can also be found on *http://www.Challenge.gov.*

Eligibility Rules for Participating in the Competition

During the proposal submission period, Sensis will initially screen submissions for eligibility and

compliance with the rules of this challenge. A submission that fails to meet the eligibility and compliance criteria will be disqualified and will be ineligible for prizes. CDC will notify disqualified contestants via email within five business days. To be eligible to win a prize under this challenge, an individual or entity—

(1) Shall have registered to participate in the competition under the rules promulgated by the Centers for Disease Control and Prevention;

(2) Shall have complied with all the requirements under this section;

(3) In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

(4) May not be a Federal entity or Federal employee acting within the scope of their employment.

(5) Shall not be an HHS employee working on their applications or submissions during assigned duty hours.

(6) Are an individual or team comprised of members each of who are 18 years of age or over.

(7) Are not on the Excluded Parties List System located at *www.sam.gov.*

Additionally

(a) Federal grantees may not use Federal funds to develop challenge applications unless consistent with the purpose of their grant award. Federal contractors may not use Federal funds from a contract to develop challenge applications or to fund efforts in support of a challenge submission.

(b) Employees of CDC, and/or any other individual or entity associated with the development, evaluation, or administration of the Challenge as well as members of such persons' immediate families (spouses, children, siblings, parents), and persons living in the same household as such persons, whether or not related, are not eligible to participate in the Challenge.

(c) An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

(d) Applicants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether the injury, death, damage, or loss arises through negligence or otherwise.

(e) A solution may be disqualified if it fails to function as expressed in the description provided by the user, or if it provides inaccurate or incomplete information.

(f) CDC reserves the right to disqualify participants from the Challenge for inappropriate, derogatory, defamatory, or threatening comments or communication through the Challenge Web site or on the *Challenge.gov* Web site, CDC EPH Tracking Facebook page or CDC EPH Tracking Twitter page.

(g) Submissions must be free of security threats and/or malware. Applicants/Contestants agree that CDC may conduct testing on the product/submission to determine whether malware or other security threats may be present. CDC may disqualify the product if, in CDC's judgment, the app may damage government or others' equipment or operating environment.

(h) *Applicants must obtain liability insurance or demonstrate financial responsibility in the amount of $0 for claims by:* (1) A third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered applicant's insurance policy and registered applicant's agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and (2) the Federal Government for damage or loss to Government property resulting from such an activity. Applicants who are a group must obtain insurance or demonstrate financial responsibility for all members of the group.

(i) By participating in the Challenge, each Applicant agrees to comply with and abide by these Official Rules, Terms & Conditions and the decisions of the Federal Agency sponsors and/or the individual judges, which shall be final and binding in all respects.

Registration Process for Participants

To register for this Challenge, participants can access *http://envirohealthchallenge.com/* or *http://www.Challenge.gov* anytime during the proposal submission period stated above to register.

Amount of the Prize

CDC plans to award prizes for first, second and third place up to the following amounts, for a total of $30,000.

One First Place winner of $20,000
One Second Place winner of $7,000
One Third Place winner of $3,000

Three (3) winners will be selected and notified via email. Awards will be issued directly by Sensis. Please note: Winners are responsible for the payment of any Federal income taxes which may apply to the awarded prize funds.

Basis Upon Which Winner Will Be Selected

The Challenge judging panel will evaluate eligible challenge entries and will make semifinalist and winner selections based upon the criteria outlined below, and in compliance with the HHS Competition Judging Guidelines.

Impact: 20%

1. The technology solves a problem or addresses an important issue for consumers/users.

2. The technology has a clearly identified user and target audience.

Innovation: 30%

1. The technology is original, uses data in an unprecedented and novel way, and/or pushes beyond an imitation of existing solutions.

2. The technology integrates environmental and health data in a unique way.

Design: 20%

1. The technology is based on a user-centered design, showing evidence of considering user feedback on design decisions.

2. The user interface is visually appealing, well laid out, intuitive, and easy to use and understand.

Technical Merit: 30%

1. The technology is functional (tested through personal use or video demonstration).

2. The technology integrates at least one open data source (CDC's Environmental Public Health Tracking Network API).

Additional Information

Intellectual Property

- Applicants are free to discuss their submission and the ideas or technologies that it contains with other parties; encouraged to share ideas/technologies publicly; encouraged to collaborate or combine with other teams to strengthen their solutions; and are free to contract with any third parties. Applicants should be aware that any agreement signed or obligation

undertaken in regards to their participation in this Challenge that conflict with the Challenge rules, terms and conditions may result in disqualification of the Applicant's submission.

• Upon submission, each Applicant warrants that he or she is the sole author and owner of the work and any pertinent Intellectual Property (IP) rights, that the work is wholly original of the Applicant (or is an improved version of an existing work that the Applicant has sufficient rights to use—including the substantial improvement of existing open-source work), and that it does not infringe any copyright or any other rights of any third party of which Applicant is aware. Each Applicant also warrants that the work is free of security threats and/or malware.

• Applicants retain ownership of the data that they develop and deliver under the scope of the Challenge, including any software, research or other intellectual property (''IP'') that they develop in connection therewith. Applicants agree to grant a license to the Federal Agency sponsor (CDC) for the use of the IP developed in connection with the Challenge as set forth herein.

• Each Applicant must clearly delineate any Intellectual Property (IP) and/or confidential commercial information contained in a submission that is owned by the Applicant, and which the Applicant wishes to protect as proprietary data.

• Upon completion of the Challenge period, applicants consents to grant CDC an unlimited, non-exclusive, royalty-free, worldwide license and right to reproduce, publically perform, publically display, and use the Submission and to publically perform and publically display the Submission, including, without limitation, for promotional purposes relating to the Challenge.

• All materials submitted to CDC as part of a submission become CDC agency records. Any confidential commercial or financial information contained in a submission must be clearly designated at the time of submission.

• If the Submission includes any third party works (such as third party content or open source code), Applicant must be able to provide, upon request, documentation of all appropriate licenses and releases for use of such third party works. If Applicant cannot provide documentation of all required licenses and releases, Federal Agency sponsors reserve the right, at their sole discretion, to disqualify the applicable Submission. Conversely, they may seek to secure the licenses and releases and allow the applicable Submission to remain in the Challenge, while reserving all applicable Federal agency rights with respect to such licenses and releases.

• *FOIA:* Submitters will be notified of any Freedom of Information Act (FOIA) requests for their materials which have been clearly designated as confidential commercial or financial information or trade secret in accordance with 45 CFR 5.65.

Privacy

If Contestants choose to provide CDC with personal information by registering or filling out the submission form through the *http://envirohealthchallenge.com* Web site, that information is used to respond to Contestants in matters regarding their submission, announcements of entrants, finalists, and winners of the Contest. Information is not collected for commercial marketing. Winners are permitted to cite that they won this contest.

General Conditions

CDC reserves the right to cancel, suspend, and/or modify the Contest, or any part of it, for any reason, at CDC's sole discretion. If the Challenge is cancelled, suspended, or modified, CDC will inform the public through the publication of a notice in the **Federal Register** and a posting on the Challenge Web site.

Participation in this Contest constitutes a contestants' full and unconditional agreement to abide by the Contest's terms and conditions found at *www.envirohealthchallenge.com* or *www.Challenge.gov.*

Authority: 15 U.S.C. 3719.

Dated: April 3, 2017.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2017–06974 Filed 4–6–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Special Interest Project (SIP) 17–005, Understanding Provision of Confidential Sexual Health Services to Adolescents.

Time and Date: 10:00 a.m.–6:00 p.m., EDT, May 10, 2017 (Closed).

*Place:*Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Understanding Provision of Confidential Sexual Health Services to Adolescents'', SIP17–005.

Contact Person for More Information: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, *kva5@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–06982 Filed 4–6–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Special Interest Projects (SIPs) 17–003, Formative Study of Patient Navigators with the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) and the Colorectal Cancer Control Program (CRCCP), and 17–004, Assessing the Lifetime Economic Burden in Younger, Midlife, and Older Women with Metastatic Breast Cancer.

Time and Date: 10:00 a.m.–6:00 p.m., EDT, May 9, 2017 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Formative Study of Patient Navigators with the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) and the Colorectal Cancer Control Program (CRCCP)'', SIP 17–003 and ''Assessing the Lifetime Economic Burden in Younger, Midlife, and Older Women with Metastatic Breast Cancer'', SIP 17–004.

Contact Person for More Information: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, *kva5@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–06979 Filed 4–6–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement, RFA–CE–17–003, Research Grant for Preventing Violence and Violence Related Injury (R01).

Times and Dates: 08:00 a.m.–5:00 p.m., EDT, May 11, 2017 (Closed) 8:00 a.m.–5:00 p.m., EDT, May 12, 2017 (Closed).

Place: The Georgian Terrace, 659 Peachtree Street NE., Atlanta, Georgia 30308.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Research Grant for Preventing Violence and Violence Related Injury (R01)'', RFA–CE–17–003.

Contact Person for More Information: Kimberly Leeks, Ph.D., M.P.H., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F78, Atlanta, Georgia 30341–3717, Telephone: (770) 488–5964.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–06984 Filed 4–6–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–1813]

Antimicrobial Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Antimicrobial Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on April 13, 2017, from 8:30 a.m. to 5 p.m. The docket number is FDA–2017–N–1813. The docket will close on April 12, 2017. Comments received on or before April 10, 2017, will be provided to the committee. Comments received after that date will be taken into consideration by the Agency.

ADDRESSES: Tommy Douglas Conference Center, the Ballroom, 10000 New Hampshire Ave., Silver Spring, MD 20903. The conference center's telephone number is 240–645–4000. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

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):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets

Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–1813 for ''Antimicrobial Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' 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 Division of Dockets Management 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 Division of Dockets Management. 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 Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lauren D. Tesh, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, *AMDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION

Agenda: The committee will discuss the development of antibacterial drugs that treat a single species of bacteria when the target species infrequently causes infections; examples of such drugs include those that are only active against *Pseudomonas aeruginosa* or *Acinetobacter baumannii.*

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see the **ADDRESSES** section) on or before April 10, 2017, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2:30 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 7, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 10, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Lauren D. Tesh at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 3, 2017.

Janice M. Soreth,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2017–06901 Filed 4–6–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Preparation for International Cooperation on Cosmetics Regulation Eleventh Annual Meeting; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing a public meeting entitled ''International Cooperation on Cosmetics Regulation (ICCR)—Preparation for ICCR–11 Meeting.'' The purpose of the meeting is to invite public input on various topics pertaining to the regulation of cosmetics. We may use this input to

help us prepare for the ICCR–11 meeting that will be held July 12–14, 2017, in Brasilia, Brazil.

DATES: The public meeting will be held on May 25, 2017, from 2 p.m. to 4 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at the Food and Drug Administration, Center for Food Safety and Applied Nutrition, 5001 Campus Dr., Wiley Auditorium (first floor), College Park, MD 20740.

FOR FURTHER INFORMATION CONTACT: Jonathan Hicks, Office of Cosmetics and Colors, Food and Drug Administration, 5001 Campus Dr. (HFS–125), College Park, MD 20740, email: *jonathan.hicks@fda.hhs.gov,* 240–402–1375.

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of the multilateral framework on the ICCR is to pave the way for the removal of regulatory obstacles to international trade while maintaining global consumer protection. The purpose of the meeting is to invite public input on various topics pertaining to the regulation of cosmetics. We may use this input to help us prepare for the ICCR–11 meeting that will be held July 12–14, 2017, in Brasilia, Brazil.

ICCR is a voluntary international group of cosmetics regulatory authorities from Brazil, Canada, the European Union, Japan, and the United States of America. These regulatory authority members will enter into constructive dialogue with their relevant cosmetics industry trade associations and public advocacy groups. Currently, the ICCR members are: The Brazilian Health Surveillance Agency; Health Canada; the European Commission Directorate-General for Internal Market, Industry, Entrepreneurship, and Small and Medium-sized Enterprises; the Ministry of Health, Labor, and Welfare of Japan; and FDA. All decisions made by consensus will be compatible with the laws, policies, rules, regulations, and directives of the respective administrations and governments. Members will implement and/or promote actions or documents within their own jurisdictions and seek convergence of regulatory policies and practices. Successful implementation will need input from stakeholders.

II. Topics for Discussion at the Public Meeting

We will make the agenda for the public meeting available on the Internet at *http://www.fda.gov/Cosmetics/InternationalActivities/ICCR/default.htm.* Depending on the number of requests for oral presentations, we intend to have an agenda available by May 18, 2017.

III. Participating in the Public Meeting

Registration: To register for the public meeting, send registration information (including your name, title, affiliation, address, email, and telephone), to Jonathan Hicks by May 11, 2017. If you would like to listen to the meeting by phone, please submit a request for a dial-in number by May 11, 2017. If you need special accommodations due to a disability, please contact Jonathan Hicks by May 18, 2016.

Requests for Oral Presentations: If you wish to make an oral presentation, you should notify Jonathan Hicks by May 11, 2017, and submit a brief statement of the general nature of the evidence or arguments that you wish to present, your name, title, affiliation, address, email, and telephone, and indicate the approximate amount of time you need to make your presentation. You may present proposals for future ICCR agenda items, data, information, or views, in person or in writing, on issues pending at the public meeting. There will be no presentations by phone. Time allotted for oral presentations may be limited to 10 minutes or less for each presenter.

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may also be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20850.

Dated: April 3, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–06938 Filed 4–6–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct; Correction

AGENCY: Office of the Secretary, HHS.

ACTION: Correction of notice.

SUMMARY: This document corrects an error that appeared in the notice published in the June 8, 2016, **Federal Register** entitled ''Findings of Research Misconduct.''

DATES:

Effective Date: April 7, 2017.

Applicability Date: The correction notice is applicable for the Findings of Research Misconduct notice published on June 8, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Gorirossi at 240–453–8800.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2016–13541 of June 8, 2016 (81 FR 36932–36933), there was a typographical error involving one of the papers cited in the notice. The error is identified and corrected in the Correction of Errors section below.

II. Correction of Errors

In FR Doc. 2016–13541 of June 8, 2016 (81 FR 36932–36933), make the following correction:

1. On page 36932, third column, in FR Doc. 2016–13541, second to last paragraph, line 5, change ''August'' to ''December'' so that the text reads ''falsified twenty-four (24) fluorescent image panels by drawing staining in Photoshop and falsely labeling them in Figures 5B, 5C, 5D, 5E, 7A, 7B, 7D, 8A, 8B, 9A, and 9B in the December 2015 *Development* paper and included some of the same images in four (4) figures in the *ASCB* 2015 poster and in two (2) figures in the *MARZ* 2015 poster''

Dated: March 30, 2017.

Kathryn Partin,

Director, Office of Research Integrity.

[FR Doc. 2017–07006 Filed 4–6–17; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the Council of Councils.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting Web site (*http://videocast.nih.gov*).

A portion of 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: Council of Councils.
Open: May 26, 2017.
Time: 8:15 a.m. to 11:15 a.m.
Agenda: Call to Order and Introductions; Announcements and Updates; History of the Knockout Mouse Program (KOMP); KOMP2 . . . A translational scientific resource to catalyze biomedical research and accelerate precision medicine; Background on NIH and Federal Budget Process; Progress and Plans at the NIA; Discussion.
Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.
Closed: May 26, 2017.
Time: 12:00 p.m. to 1:00 p.m.
Agenda: Review of Grant Applications.
Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.
Open: May 26, 2017.
Time: 1:00 p.m. to 3:45 p.m.
Agenda: A study of possible bias concerning race, gender, seniority and institution and within the peer review process; Common Fund Diversity Program—Introduction and Update and Discussion; Coming into Focus—The NIH and Health Research in Tribal Nations; Closing Remarks.
Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.
Contact Person: Franziska Grieder, D.V.M., Ph.D., Executive Secretary, Director, Office of Research Infrastructure Programs, Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director, NIH, 6701 Democracy Boulevard, Room 948, Bethesda, MD 20892, *GriederF@mail.nih.gov*, 301–435–0744.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Council of Council's home page at *http://dpcpsi.nih.gov/council/* where an agenda will be posted before the meeting date.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: April 3, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06906 Filed 4–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).
Date: May 1, 2017.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).
Contact Person: Raymond R. Schleef, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3E61, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5019, *schleefrr@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Rapid Assessment of Zika Virus (ZIKV) Complications (R21).
Date: May 3–4, 2017.
Time: 1:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).
Contact Person: Yong Gao, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G13B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20892–7616, (240) 669–5048, *yong.gao@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 3, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06969 Filed 4–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary: Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Interagency Pain Research Coordinating Committee (IPRCC).

The meeting will be open to the public.

Name of Committee: Interagency Pain Research Coordinating Committee.
Type of meeting: Open Meeting.
Date: May 5, 2017.
Time: 2:00 p.m. to 4:00 p.m. *Eastern Time*.
Agenda: The meeting will include discussion of the Federal Pain Research Strategy and science advances in pain research.
Place: National Institutes of Health, 31 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).
Call-In Number: 1–877–668–4493.
Public Access Code: 622 888 818.
Deadline: Submission of intent to submit written/electronic statement for comments: Monday, May 1, 2017, by 5:00 p.m. ET.
Contact Person: Linda L. Porter, Ph.D., Director, Office of Pain Policy, Officer of the Director, National Institute of Neurological Disorders and Stroke, NIH, 31 Center Drive, Room 8A31, Bethesda, MD 20892, Phone: (301) 451–4460, Email: *Linda.Porter@nih.gov.*

Please Note: Any member of the public interested in submitting written comments to the Committee must notify the Contact Person listed on this notice by 5:00 p.m. ET on Monday, May 1, 2017, with their request. Interested individuals and representatives of organizations must submit a written/

electronic copy of the oral statement/comments including a brief description of the organization represented by 5:00 p.m. ET on Monday, May 1, 2016. Statements submitted will be shared with the committee members and become a part of the public record.

The meeting will be open to the public for audio access through a telephone call in phone number. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the call line, please call Operator Service on (301) 496–4517 for conference call issues and the NIH IT Service Desk at (301) 496–4357.

Individuals who participate in person or by using these electronic services and who need special assistance, such as captioning of the call or other reasonable accommodations, should submit a request to the Contact Person listed on this notice at least seven days prior to the meeting.

Information about the IPRCC is available on the Web site: *http://iprcc.nih.gov/*

Dated: April 4, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06988 Filed 4–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Clinical, Treatment and Health Services Research Review Subcommittee.

Date: June 13, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, Terrace Level Conference Room, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Ranga V. Srinivas, Ph.D., Chief, Extramural Project Review Branch, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067 *srinivar@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: April 4, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06989 Filed 4–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Rapid Assessment of Zika Virus (ZIKV) Complications (R21).

Date: May 3–4, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Annie Walker-Abbey, Scientific Review Officer, Scientific Review Program, NIAID/NIH/DHHS, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20852, 240–627–3390, *aabbey@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource Related Research Projects (R24).

Date: May 4, 2017.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G21A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5050, *rbinder@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 3, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06970 Filed 4–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: May 23–24, 2017.

Open: May 23, 2017, 1:00 p.m. to 5:15 p.m.

Agenda: Discussion of Program Policies and Issues.

Place: National Institutes of Health, Building 31, 6th Floor, C Wing, Room 6, 31 Center Drive, Bethesda, MD 20892.

Closed: May 24, 2017, 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 6th Floor, C Wing, Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Marguerite Littleton Kearney, Ph.D., R.N., FAAN, Director Division of Extramural Science Programs, National Institute of Nursing Research National Institutes of Health, 6701 Democracy Boulevard, Room 708, Bethesda, MD 20892–4870, 301–402–7932, *marguerite.kearnet@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.ninr.nih.gov/aboutninr/nacnr#.VxaCIE0UWpo,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: April 3, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06905 Filed 4–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorder and Stroke Special Emphasis Panel; Frontotemporal Degeneration (FTD) Sequencing and Consortium Review.

Date: May 3, 2017.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *AnaOlariu@nih.gov.*

Name of Committee: National Institute of Neurological Disorder and Stroke Special Emphasis Panel; Brain Initiative Review.

Date: May 10, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Joel Saydoff, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *Joel.saydoff@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 4, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06987 Filed 4–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration, (SAMHSA) Center for Mental Health Services (CMHS) National Advisory Council (NAC) will meet on April 25, 2017, from 3:00 p.m. to 5:00 p.m. (EDT) in a closed teleconference meeting.

The meeting will include discussion and evaluation of grant applications reviewed by SAMHSA's Initial Review Groups, and will involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, the meeting will be closed to the public as determined by the SAMHSA Acting Deputy Assistant Secretary for Mental Health and Substance Use, in accordance with Title 5 U.S.C. 552b(c)(4) and (6) and 5 U.S.C. App. 2, Section 10(d).

Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council Web site at *http://www.samhsa.gov/about-us/advisory-councils/cmhs-national-advisory-council* or by contacting Ms. Pamela Foote (see contact information below).

Committee Name: Substance Abuse and Mental Health Services Administration Center for Mental Health Services National Advisory Council.

Dates/Time/Type: Tuesday, April 25, 2017, 3:00 p.m. to 5:00 p.m. EDT: CLOSED.

Place: SAMHSA, 5600 Fishers Lane, 14th Floor, Conference Room 14SEH02, Rockville, Maryland 20857.

Contact: Pamela Foote, Designated Federal Official, SAMHSA CMHS NAC, 5600 Fishers Lane, Room 14E53C, Rockville, Maryland 20857, Telephone: (240) 276–1279, Fax: (301) 480–8491, Email: *pamela.foote@samhsa.hhs.gov.*

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2017–06936 Filed 4–6–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

U.S. Customs and Border Protection 2017 West Coast Trade Symposium: "Looking Ahead Together: What's Next for Trade?"

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

ACTION: Notice of trade symposium.

SUMMARY: This document announces that U.S. Customs and Border Protection (CBP) will convene the 2017 West Coast Trade Symposium in Scottsdale, Arizona, on Wednesday, May 24, 2017, and Thursday, May 25, 2017. The 2017 West Coast Trade Symposium will feature panel discussions involving agency personnel, members of the trade community, and other government agencies, on the agency's role in international trade initiatives and programs. Members of the international trade and transportation communities and other interested parties are encouraged to attend.

DATES: Wednesday, May 24, 2017 (opening remarks and general sessions, 8:00 a.m.–4:45 p.m. MST), and Thursday, May 25, 2017 (break-out sessions, 8:00 a.m.–1:00 p.m. MST).

ADDRESSES: The CBP 2017 West Coast Trade Symposium will be held at the Double Tree Resort at 5401 North Scottsdale Road, Scottsdale, AZ 85250.

FOR FURTHER INFORMATION CONTACT: The Office of Trade Relations at (202) 344–1440, or at *tradeevents@dhs.gov.* To obtain the latest information on the Trade Symposium and to register online, visit the CBP Web site at *http://www.cbp.gov/trade/stakeholder-engagement/trade-symposium.* Requests for special needs should be sent to the Office of Trade Relations at *tradeevents@dhs.gov.*

SUPPLEMENTARY INFORMATION: This document announces that CBP will convene the 2017 West Coast Trade Symposium on Wednesday, May 24, 2017, and Thursday, May 25, 2017 in Scottsdale, AZ. The theme for the 2017 West Coast Trade Symposium will be ''Looking Ahead Together: What's Next for Trade?'' The format of the 2017 West Coast Trade Symposium will be held with general sessions on the first day and breakout sessions on the second day. Discussions will be held regarding CBP's role in international trade initiatives and partnerships.

The agenda for the 2017 West Coast Trade Symposium can be found on the CBP Web site (*http://www.cbp.gov/trade/stakeholder-engagement/trade-symposium*). Registration will be open from March 22 to May 11, 2017. The registration fee is $161.00 per person. Interested parties are requested to register immediately, as space is limited. All registrations must be made online at the CBP Web site (*http://www.cbp.gov/trade/stakeholder-engagement/trade-symposium*) and will be confirmed with payment by credit card only.

Hotel accommodations have been made at the Double Tree Resort at 5401 North Scottsdale Road, Scottsdale, AZ 85250. Hotel room block reservation information can be found on the CBP Web site (*http://www.cbp.gov/trade/stakeholder-engagement/trade-symposium*).

Dated: April 4, 2017.

Valarie M. Neuhart,

Acting Director, Office of Trade Relations,Office of the Commissioner, U.S. Customs and Border Protection.

[FR Doc. 2017–06990 Filed 4–6–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–2012]

National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers, Notice of FY 2018 Arrangement

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency announces the Fiscal Year 2018 Financial Assistance/Subsidy Arrangement for private property insurers interested in participating in the National Flood Insurance Program's Write Your Own program.

DATES: Interested insurers must submit intent to subscribe or re-subscribe to the Arrangement by July 6, 2017.

FOR FURTHER INFORMATION CONTACT: Kelly Bronowicz, Federal Insurance and Mitigation Administration, FEMA, 400 C St. SW., Washington, DC 20472; (202) 557–9488 (phone), or *Kelly.Bronowicz@fema.dhs.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Background

The National Flood Insurance Act of 1968 (NFIA), as amended (42 U.S.C. 4001 *et seq.*), authorizes the Administrator of the Federal Emergency Management Agency (FEMA) to establish and carry out a National Flood Insurance Program (NFIP) to enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real or personal property arising from flood in the United States. *See* 42 U.S.C. 4011(a). Under the NFIA, FEMA has the authority to undertake arrangements to carry out the NFIP through the facilities of the Federal government, utilizing, for the purposes of providing flood insurance coverage, insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States. *See* 42 U.S.C. 4071. To this end, FEMA is authorized to ''enter into any contracts, agreements, or other arrangements'' with private insurance companies to utilize their facilities and services in administering the NFIP, and on such terms and conditions as may be agreed upon. *See* 42 U.S.C. 4081(a).

Pursuant to this authority, FEMA enters into a standard Financial Assistance/Subsidy Arrangement (Arrangement) with private sector property insurers, also known as Write Your Own (WYO) companies, to sell NFIP flood insurance policies under their own names and adjust and pay claims arising under the Standard Flood Insurance Policy (SFIP). Each Arrangement entered into by a WYO company must be in the form and substance of the standard Arrangement, a copy of which is published in the **Federal Register** annually, at least 6 months prior to becoming effective. *See* 44 CFR 62.23(a).

II. Notice of Availability

Insurers interested in participating in the WYO Program for Fiscal Year 2018 must contact Clark Poland at *Clark.Poland@fema.dhs.gov* by July 6, 2017.[1]

Prior participation in the WYO Program does not guarantee that FEMA will approve continued participation. FEMA will evaluate requests to participate in light of publicly available information, industry performance data, and other criteria listed in 44 CFR 62.24 and the FY 2018 Arrangement, copied below. Private insurance companies are encouraged to supplement this information with customer satisfaction surveys, industry awards or recognition, or other objective performance data. In addition, private insurance companies should work with their vendors and subcontractors involved in servicing and delivering their insurance lines to ensure FEMA receives the information necessary to effectively evaluate the criteria set forth in its regulations.

FEMA will send a copy of the offer for the FY 2018 Arrangement, together with related materials and submission instructions, to all private insurance companies successfully evaluated by the NFIP. If FEMA, after conducting its evaluation, chooses not to renew a Company's participation, FEMA, at its option, may require the continued performance of all or selected elements of the FY 2017 Arrangement for a period required for orderly transfer or cessation of the business and settlement of accounts, not to exceed 18 months. *See* FY 2017 Arrangement, Article V.C. All evaluations, whether successful or unsuccessful, will inform both an

[1] Article V.B of the FY 2017 Arrangement requires current WYO companies to notify FEMA of their ''intent to re-subscribe or not re-subscribe'' to the WYO Program within 30 days of FEMA publishing the terms of subscription or re-subscription in the **Federal Register**. This notice constitutes publication of the terms subscription for the purpsoses of Article V.B. However, FEMA is extending the deadline for current WYO companies to notify FEMA of their intent to re-subscribe or not re-subscribe to the Arrangment to July 6, 2017.

overall assessment of the WYO Program and any potential changes FEMA may consider regarding the Arrangement in future fiscal years.

Any private insurance company with questions may contact FEMA at: Kelly Bronowicz, Federal Insurance and Mitigation Administration, FEMA, 400 C St. SW., Washington, DC 20472 (mail); (202) 557–9488 (phone), or *Kelly.Bronowicz@fema.dhs.gov* (email).

III. Fiscal Year 2018 Arrangement

Pursuant to 44 CFR 62.23(a), FEMA must publish the Arrangement at least 6 months prior to the Arrangement becoming effective. The FY 2018 Arrangement copied below is substantially similar to the previous year's Arrangement. FEMA has made several changes designed to improve the overall clarity and readability of the document, as well as incorporate existing WYO Program policies and requirements. Noteworthy changes include:

- Inclusion of the NFIP Federal Insurance Directorate's mission statement in Article I;
- Clear references to important guidance documents, such as the Financial Control Plan, the Transaction Record Reporting and Processing (TRRP) Plan, the Flood Insurance Manual, and the Adjuster Claims Manual;
- Authorization for FEMA to require WYO companies to collect customer service information to monitor and improve program delivery (Article II.F.3);
- Inclusion of existing WYO company requirements for an appeals process (Article II.G);
- Removal of the Single Adjuster Program;
- Updated legal citations;
- Authorization for FEMA to provide WYO companies with a statistical summary of their individual performance in comparison with other WYO companies and NFIP Direct (Article IV.D);
- Modification of commencement and termination processes in response to removing the Arrangement from the CFR, *see* 81 FR 84483, Nov. 23, 2016 (Article V.A–B);
- Numerous stylistic changes designed to improve overall clarity and readability in accordance with Federal Plain Language Guidelines.

The Fiscal Year 2018 Arrangement reads as follows:

Financial Assistance/Subsidy Arrangement

Article I. Findings, Purposes, and Authority

Whereas, the Congress in its ''Finding and Declaration of Purpose'' in the National Flood Insurance Act of 1968, Public Law 90–448, Title XIII, as amended, (''the Act'' or ''Act'') recognized the benefit of having the National Flood Insurance Program (the ''Program'' or ''NFIP'') ''carried out to the maximum extent practicable by the private insurance industry''; and

Whereas, the Federal Emergency Management Agency (''FEMA''), which operates the Program through its Federal Insurance and Mitigation Administration (''FIMA''), recognizes this Arrangement as coming under the provisions of Sections 1340 and 1345 of the Act (42 U.S.C. 4071 and 4081, respectively); and

Whereas, the goal of FEMA is to develop a program with the insurance industry where the risk-bearing role for the industry will evolve as intended by the Congress (Section 1304 of the Act [42 U.S.C. 4011]); and

Whereas, Section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, Public Law 108–264, as implemented by 44 CFR 62.20, permits Program policyholders to appeal the denial of a claim, in completely or in part, to FEMA; and

Whereas, the NFIP is a program administered by FEMA, all participants of this Arrangement, and other entities operating on their behalf, shall align themselves toward the common purpose of helping survivors and their communities recover from floods by effectively delivering customer-focused flood insurance products and information; and

Whereas, the insurer (hereinafter the ''Company'') under this Arrangement must charge rates established by FEMA; and

Whereas, FEMA has promulgated regulations and guidance implementing the Act and the Write Your Own (WYO) Program whereby participating private insurance companies act in a fiduciary capacity utilizing Federal funds to sell and administer the Standard Flood Insurance Policies, and has extensively regulated the participating companies' activities when selling or administering the Standard Flood Insurance Policies; and

Whereas, any litigation resulting from, related to, or arising from the Company's compliance with the written standards, procedures, and guidance issued by FEMA arises under the Act or regulations, and legal issues thereunder raise a Federal question; and

Whereas, through this Arrangement, the Federal Treasury will back all flood policy claim payments by the Company; and

Whereas, FEMA developed this Arrangement to enable any interested qualified insurer to write flood insurance under its own name; and

Whereas, one of the primary objectives of the Program is to provide coverage to the maximum number of buildings at risk and because the insurance industry has marketing access through its existing facilities not directly available to FEMA, FEMA concludes that coverage will be extended to those who would not otherwise be insured under the Program; and

Whereas, flood insurance policies issued subject to this Arrangement must be only that insurance written by the Company in its own name under prescribed policy conditions and pursuant to this Arrangement, the Act, and any guidance issued by FEMA; and

Whereas, over time, the Program is designed to increase industry participation, and, accordingly, reduce or eliminate Government as the principal vehicle for delivering flood insurance to the public; and

Whereas, the sole parties under this Arrangement are Company and FEMA.

Now, therefore, the parties hereto mutually undertake the following:

Article II. Undertakings of the Company

A. Eligibility Requirements for Participation in the NFIP.

1. Policy Administration. All fund receipt, recording, control, timely deposit requirements, and disbursement in connection with all Policy Administration and any other related activities or correspondences, must meet all requirements of the Financial Control Plan and any guidance issued by FEMA. The Company shall be responsible for:

a. Compliance with the Community Eligibility/Rating Criteria
b. Making Policyholder Eligibility Determinations
c. Policy Issuances
d. Policy Endorsements
e. Policy Cancellations
f. Policy Correspondence
g. Payment of Agents' Commissions

2. Claims Processing. The Company must process all claims consistent with the Standard Flood Insurance Policy, Financial Control Plan, other guidance adopted by FEMA, and as much as possible, with the Company's standard business practices for its non-NFIP policies.

3. Reports. The Company must submit monthly financial reports and statistical transaction reports in accordance with the requirements of the NFIP Transaction Record Reporting and Processing Plan for the Company and the Financial Control Plan for business written under the WYO Program, as well as with WYO Accounting Procedures. FEMA will validate, edit, and audit in detail these data and compare and balance the results against Company reports.

B. Time Standards. Time will be measured from the date of receipt through the date mailed out. All dates referenced are working days, not calendar days. In addition to the standards set forth below, all functions performed by the Company must be in accordance with the highest reasonably attainable quality standards generally utilized in the insurance and data processing field. Continual failure to meet these requirements may result in limitations on the company's authority to write new business or the removal of the Company from the WYO Program. Applicable time standards are:

1. Application Processing—15 days (Note: If the policy cannot be mailed due to insufficient or erroneous information or insufficient funds, the Company must mail a request for correction or added moneys within 10 days)
2. Renewal processing—7 days
3. Endorsement processing—15 days
4. Cancellation processing—15 days
5. Claims Draft Processing—7 days from completion of file examination
6. Claims Adjustment—45 days average from the receipt of Notice of Loss (or equivalent) through completion of examination

C. Policy Issuance.

1. The flood insurance subject to this Arrangement must be only that insurance written by the Company in its own name pursuant to the Act.

2. The Company must issue policies under the regulations prescribed by the Federal Emergency Management Agency, in accordance with the Act, on a form approved by FEMA.

3. All policies must be issued in consideration of such premiums and upon such terms and conditions and in such States or areas or subdivisions thereof as may be designated by FEMA and only where the Company is licensed by State law to engage in the property insurance business.

D. FEMA may require the Company to discontinue issuing policies subject to this Arrangement immediately in the event Congressional authorization or appropriation for the NFIP is withdrawn.

E. The Company must separate Federal flood insurance funds from all other Company accounts, at a bank or banks of its choosing for the collection, retention and disbursement of Federal funds relating to its obligation under this Arrangement, less the Company's expenses as set forth in Article III, and the operation of the Letter of Credit established pursuant to Article IV. The Company must remit all funds not required to meet current expenditures to the United States Treasury, in accordance with the provisions of the WYO Accounting Procedures Manual.

F. The Company must investigate, adjust, settle, and defend all claims or losses arising from policies issued under this Arrangement. Payment of flood insurance claims by the Company bind FEMA, subject to appeal.

G. Compliance with Agency Standards and Guidelines.

1. The Company must comply with the Act, regulations, written standards, procedures, and guidance issued by FEMA relating to the NFIP and applicable to the Company, including, but not limited to:

a. Financial Control Plan

b. Transaction Record and Reporting Plan (TRRP)

c. Flood Insurance Manual

d. Adjuster Claims Manual

e. WYO Bulletins

2. The Company must market flood insurance policies in a manner consistent with marketing guidelines established by FEMA.

3. FEMA may require the Company to collect customer service information to monitor and improve their program delivery.

4. The Company must notify its agents of the requirement to comply with State regulations regarding flood insurance agent education, notify agents of flood insurance training opportunities, and assist FEMA in periodic assessment of agent training needs.

H. Compliance with Appeals Process.

1. FEMA will notify the Company when a policyholder files an appeal. After notification, the Company must provide FEMA the following information:

a. All records created or maintained pursuant to this Arrangement requested by FEMA; and

b. A comprehensive claim file synopsis that includes a summary of the appeal issues, the Company's position on each issue, and any additional relevant information. If, in the process of writing the synopsis, the Company determines that it can address the issue raised by the policyholder on appeal without further direction, it must notify FEMA. The Company will then work directly with the policyholder to achieve resolution and update FEMA upon completion. The Company may have a claims examiner review the file who is independent from the original decision and who possesses the authority to overturn the original decision if the facts support it.

2. The Company must cooperate with FEMA throughout the appeal process until final resolution. This includes adhering to any written appeals guidance issued by FEMA.

3. Resolution of Appeals. FEMA will close an appeal when:

a. FEMA upholds the denial by the Company;

b. FEMA overturns the denial by the Company and all necessary actions that follow are completed;

c. The Company independently resolves the issue raised by the policyholder without further direction;

d. The policyholder voluntarily withdraws the appeal; or

e. The policyholder files litigation.

4. Processing of Additional Payments from Appeal. The Company must follow supplemental claim procedures for appeals that result in additional payment to a policyholder.

Article III. Loss Costs, Expenses, Expense Reimbursement, and Premium Refunds

A. The Company is liable for operating, administrative and production expenses, including any State premium taxes, dividends, agents' commissions or any other expense of whatever nature incurred by the Company in the performance of its obligations under this Arrangement but excluding other taxes or fees, such as municipal or county premium taxes, surcharges on flood insurance premium, and guaranty fund assessments.

B. Payment for Selling and Servicing Policies.

1. Operating and Administrative Expenses. The Company may withhold, as operating and administrative expenses, other than agents' or brokers' commissions, an amount from the Company's written premium on the policies covered by this Arrangement in reimbursement of all of the Company's marketing, operating, and administrative expenses, except for allocated and unallocated loss adjustment expenses described in Article III.C. This amount will equal the sum of the average industry expenses ratios for ''Other Acq.'', ''Gen. Exp.'' and ''Taxes'' calculated by aggregating premiums and expense amounts for each of five property coverages using direct premium and expense

information to derive weighted average expense ratios. For this purpose, FEMA will use data for the property/casualty industry published, as of March 15 of the prior Arrangement year, in Part III of the Insurance Expense Exhibit in A.M. Best Company's Aggregates and Averages for the following five property coverages: Fire, Allied Lines, Farmowners Multiple Peril, Homeowners Multiple Peril, and Commercial Multiple Peril (non-liability portion). In addition, this amount will be increased by one (1) percentage point to reimburse expenses beyond regular property/casualty expenses.

2. Agent Compensation. The Company may retain fifteen (15) percent of the Company's written premium on the policies covered by this Arrangement as the commission allowance to meet the commissions or salaries of insurance agents, brokers, or other entities producing qualified flood insurance applications and other related expenses.

3. Growth Bonus. The amount of expense allowance retained by the Company may increase a maximum of two (2) percentage points depending on the extent to which the Company meets the marketing goals for the Arrangement year contained in marketing guidelines established pursuant to Article II.G. We will pay the Company the amount of any increase after the end of the Arrangement year.

4. Reimbursement for Services of a National Rating Organization. The Company, with the consent of FEMA as to terms and costs, may use the services of a national rating organization, licensed under state law, to help us undertake and carry out such studies and investigations on a community or individual risk basis, and to determine equitable and accurate estimates of flood insurance risk premium rates as authorized under the Act, as amended. We will reimburse the Company for the charges or fees for such services under the provisions of the WYO Accounting Procedures Manual.

C. FEMA will reimburse Loss Adjustment Expenses as follows:

1. FEMA will reimburse unallocated loss adjustment expenses to the Company pursuant to a ''ULAE Schedule'' coordinated with the Company and provided by FEMA.

2. FEMA will reimburse allocated loss adjustment expenses to the Company pursuant to a ''Fee Schedule'' coordinated with the Company and provided by FEMA.

3. FEMA will reimburse special allocated loss expenses to the Company in accordance with guidelines issued by FEMA.

D. Loss Payments.

1. The Company must make loss payments for flood insurance policies from Federal funds retained in the bank account(s) established under Article II.E and, if such funds are depleted, from Federal funds derived by drawing against the Letter of Credit established pursuant to Article IV.

2. Loss payments include payments as a result of litigation that arises under the scope of this Arrangement, and the Authorities set forth herein. All such loss payments and related expenses must meet the documentation requirements of the Financial Control Plan and of this Arrangement, and the Company must comply with the litigation documentation and notification requirements established by FEMA. Failure to meet these requirements may result in FEMA's decision not to provide reimbursement.

3. Limitation on Litigation Costs.

a. Following receipt of notice of such litigation, the FEMA Office of Chief Counsel (''OCC'') will review the information submitted. If OCC finds that the litigation is grounded in actions by the Company that are significantly outside the scope of this Arrangement, and/or involves issues of agent negligence, then OCC may make a recommendation regarding whether all or part of the litigation is significantly outside the scope of the Arrangement.

b. In the event the FEMA determines that the litigation is grounded in actions by the Company that are significantly outside the scope of this Arrangement, and/or involves issues of agent negligence, then FEMA will notify the Company in writing within thirty (30) days that any award or judgment for damages and any costs to defend such litigation will not be recognized under Article III as a reimbursable loss cost, expense, or expense reimbursement.

c. In the event a question arises whether only part of the costs of a litigation is reimbursable, OCC may make a recommendation about the appropriate division of responsibility, if possible.

d. In the event that the Company wishes to petition for reconsideration of the determination that it will not be reimbursed for any part of the award or judgment or any part of the costs expended to defend such litigation made under Article III.D.3.a–c, it may do so by mailing, within thirty (30) days of the notice that reimbursement will not be made, a written petition to FEMA, who may request advice on other than legal matters of the WYO Standards Committee established under the WYO Financial Control Plan. The WYO Standards Committee will consider the request at its next regularly scheduled meeting or at a special meeting called for that purpose by the Chairman and issue a written recommendation to the Administrator. FEMA's final determination will be made in writing within a reasonable time to the Company.

E. The Company must make premium refunds required by FEMA to applicants and policyholders from Federal flood insurance funds referred to in Article II.E, and, if such funds are depleted, from funds derived by drawing against the Letter of Credit established pursuant to Article IV. The Company may not refund any premium to applicants or policyholders in any manner other than as specified by FEMA since flood insurance premiums are funds of the Federal Government.

Article IV. Undertakings of the Government

A. FEMA must establish Letter(s) of Credit against which the Company may withdraw funds daily, if needed, pursuant to prescribed procedures implemented by FEMA. The amounts of the authorizations will be increased as necessary to meet the obligations of the Company under Article III.C–E. The Company may only request funds when net premium income has been depleted. The timing and amount of cash advances must be as close as is administratively feasible to the actual disbursements by the recipient organization for allowable Letter of Credit expenses. Request for payment on Letters of Credit may not ordinarily be drawn more frequently than daily or in amounts less than $5,000, and in no case more than $5,000,000 unless so stated on the Letter of Credit. This Letter of Credit may be drawn by the Company for any of the following reasons:

1. Payment of claims, as described in Article III.D;

2. Refunds to applicants and policyholders for insurance premium overpayment, or if the application for insurance is rejected or when cancellation or endorsement of a policy results in a premium refund, as described in Article III.E; and

3. Allocated and unallocated loss adjustment expenses, as described in Article III.C.

B. FEMA must provide technical assistance to the Company as follows:

1. FEMA's policy, history concerning underwriting, and claims handling.

2. A mechanism to assist in clarification of coverage and claims questions.

3. Other assistance as needed.

C. FEMA must provide the Company with a copy of all formal written appeal

decisions conducted in accordance with Section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, Public Law 108–264 and 44 CFR 62.20.

D. Prior to the end of the Arrangement period, FEMA may provide the Company a statistical summary of their performance during the signed Arrangement period. This summary will detail the Company's performance individually, as well as compare the Company's performance to the aggregate performance of all NFIP producers across the Program.

Article V. Commencement and Termination

A. The effective period of this Arrangement begins on October 1, 2017 and terminates no earlier than September 30, 2018, subject to extension pursuant to Article V.C. FEMA may provide financial assistance only for policy applications and endorsements accepted by the Company during this period pursuant to the Program's effective date, underwriting, and eligibility rules.

B. Pursuant to 44 CFR 62.23(a), FEMA will publish the Arrangement and the terms for subscription or re-subscription for Fiscal Year 2019 in the **Federal Register** no later than April 1, 2018. Upon such publication, the Company must notify FEMA of its intent to re-subscribe or not re-subscribe to the WYO Program for the following term within ninety (90) calendar days.

C. In addition to the requirements of Article V.B, in order to assure uninterrupted service to policyholders, the Company must promptly notify FEMA in the event the Company elects not to re-subscribe to the WYO Program during the term of this Arrangement. If so notified, or if FEMA chooses not to renew the Company's participation, FEMA, at its option, may require the continued performance of all or selected elements of this Arrangement for the period required for orderly transfer or cessation of business and settlement of accounts, not to exceed eighteen (18) months, and may either require Article V.C.1 or allow Article V.C.2:

1. The delivery to FEMA of:

a. A plan for the orderly transfer to FEMA of any continuing responsibilities in administering the policies issued by the Company under the Program including provisions for coordination assistance; and

b. All data received, produced, and maintained through the life of the Company's participation in the Program, including certain data, as determined by FEMA, in a standard format and medium; and

c. All claims and policy files, including those pertaining to receipts and disbursements that have occurred during the life of each policy. In the event of a transfer of the services provided, the Company must provide FEMA with a report showing, on a policy basis, any amounts due from or payable to insureds, agents, brokers, and others as of the transition date; and

d. All funds in its possession with respect to any policies transferred to FEMA for administration and the unearned expenses retained by the Company.

2. Submission of plans for the renewal of the business by another WYO company or companies or the submission of detailed plans for another WYO company to assume responsibility for the Company's NFIP policies. Such plans must assure uninterrupted service to policyholders and must be accompanied by a formal request for FEMA approval of such transfers.

D. Cancellation by FEMA.

1. FEMA may cancel financial assistance under this Arrangement in its entirety upon thirty (30) days written notice to the Company by certified mail stating one of the following reasons for such cancellation:

a. Fraud or misrepresentation by the Company subsequent to the inception of the Arrangement; or

b. Nonpayment to FEMA of any amount due; or

c. Material failure to comply with the requirements of this Arrangement or with the written standards, procedures, or guidance issued by FEMA relating to the NFIP and applicable to the Company.

2. If FEMA cancels this Arrangement pursuant to Article V.D.1, FEMA may require the transfer of administrative responsibilities and the transfer of data and records as provided in Article V.C.1.a–d. If transfer is required, the Company must remit to FEMA the unearned expenses retained by the Company. In such event, FEMA will assume all obligations and liabilities owed to policyholders under such policies, arising before and after the date of transfer.

3. As an alternative to the transfer of the policies to FEMA pursuant to Article V.D.2, FEMA will consider a proposal, if it is made by the Company, for the assumption of responsibilities by another WYO company as provided in Article V.C.2.

E. In the event that the Company is unable or otherwise fails to carry out its obligations under this Arrangement by reason of any order or directive duly issued by the Department of Insurance of any jurisdiction to which the Company is subject, the Company agrees to transfer, and FEMA will accept, any and all WYO policies issued by the Company and in force as of the date of such inability or failure to perform. In such event FEMA will assume all obligations and liabilities within the scope of the Arrangement owed to policyholders arising before and after the date of transfer, and the Company will immediately transfer to FEMA all needed records and data and all funds in its possession with respect to all such policies transferred and the unearned expenses retained by the Company.

As an alternative to the transfer of the policies to FEMA, FEMA will consider a proposal, if it is made by the Company, for the assumption of responsibilities by another WYO company as provided by Article V.C.2.

F. In the event the Act is amended, repealed, expires, or if FEMA is otherwise without authority to continue the Program, FEMA may cancel financial assistance under this Arrangement for any new or renewal business, but the Arrangement will continue for policies in force that shall be allowed to run their term under the Arrangement.

Article VI. Information and Annual Statements

A. The Company must furnish to FEMA such summaries and analysis of information including claim file information, and property address, location, and/or site information in its records as may be necessary to carry out the purposes of the Act, in such form as FEMA, in cooperation with the Company, will prescribe.

B. Upon request, the Company must file with FEMA a true and correct copy of the Company's Fire and Casualty Annual Statement, and Insurance Expense Exhibit or amendments thereof as filed with the State Insurance Authority of the Company's domiciliary State.

Article VII. Cash Management and Accounting

A. FEMA must make available to the Company during the entire term of this Arrangement, and any continuation period required by FEMA pursuant to Article V.C, the Letter of Credit provided for in Article IV drawn on a repository bank within the Federal Reserve System. This Letter of Credit may be drawn by the Company for reimbursement of its expenses as set forth in Article IV that exceed net written premiums collected by the Company from the effective date of this Arrangement or continuation period to

the date of the draw. In the event that adequate Letter of Credit funding is not available to meet current Company obligations for flood policy claim payments issued, FEMA must direct the Company to immediately suspend the issuance of loss payments until such time as adequate funds are available. The Company is not required to pay claims from their own funds in the event of such suspension.

B. The Company must remit all funds, including interest, not required to meet current expenditures to the United States Treasury, in accordance with the provisions of the WYO Accounting Procedures Manual or procedures approved in writing by FEMA.

C. In the event the Company elects not to participate in the Program in this or any subsequent fiscal year, or is otherwise unable or not permitted to participate, the Company and FEMA must make a provisional settlement of all amounts due or owing within three (3) months of the expiration or termination of this Arrangement. This settlement must include net premiums collected, funds drawn on the Letter of Credit, and reserves for outstanding claims. The Company and FEMA agree to make a final settlement, subject to audit, of accounts for all obligations arising from this Arrangement within eighteen (18) months of its expiration or termination, except for contingent liabilities that must be listed by the Company. At the time of final settlement, the balance, if any, due FEMA or the Company must be remitted by the other immediately and the operating year under this Arrangement must be closed.

Article VIII. Arbitration

If any misunderstanding or dispute arises between the Company and FEMA with reference to any factual issue under any provisions of this Arrangement or with respect to FEMA's nonrenewal of the Company's participation, other than as to legal liability under or interpretation of the Standard Flood Insurance Policy, such misunderstanding or dispute may be submitted to arbitration for a determination that will be binding upon approval by FEMA. The Company and FEMA may agree on and appoint an arbitrator who will investigate the subject of the misunderstanding or dispute and make a determination. If the Company and FEMA cannot agree on the appointment of an arbitrator, then two arbitrators will be appointed, one to be chosen by the Company and one by FEMA.

The two arbitrators so chosen, if they are unable to reach an agreement, must select a third arbitrator who must act as umpire, and such umpire's determination will become final only upon approval by FEMA. The Company and FEMA shall bear in equal shares all expenses of the arbitration. Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section, upon objection by FEMA or the Company, shall be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

This Article shall indefinitely succeed the term of this Arrangement.

Article IX. Errors and Omissions

In the event of negligence by the Company that has not resulted in litigation but has resulted in a claim against the Company, FEMA will not consider reimbursement of the Company for costs incurred due to that negligence unless the Company takes all reasonable actions to rectify the negligence and to mitigate any such costs as soon as possible after discovery of the negligence. The Company may choose not to seek reimbursement from FEMA.

Further, if the claim against the Company is grounded in actions significantly outside the scope of this Arrangement or if there is negligence by the agent, FEMA will not reimburse any costs incurred due to that negligence. The Company will be notified in writing within thirty (30) days of a decision not to reimburse. In the event the Company wishes to petition for reconsideration of the decision not to reimburse, the procedure in Article III.D.3.d applies.

However, in the event that the Company has made a claim payment to an insured without including a mortgagee (or trustee) of which the Company had actual notice prior to making payment, and subsequently determines that the mortgagee (or trustee) is also entitled to any part of said claim payment, any additional payment may not be paid by the Company from any portion of the premium and any funds derived from any Federal Letter of Credit deposited in the bank account described in Article II.E. In addition, the Company agrees to hold the Federal Government harmless against any claim asserted against the Federal Government by any such mortgagee (or trustee), as described in the preceding sentence, by reason of any claim payment made to any insured under the circumstances described above.

Article X. Officials Not To Benefit

No Member or Delegate to Congress, or Resident Commissioner, may be admitted to any share or part of this Arrangement, or to any benefit that may arise therefrom; but this provision may not be construed to extend to this Arrangement if made with a corporation for its general benefit.

Article XI. Offset

At the settlement of accounts, the Company and FEMA has, and may exercise, the right to offset any balance or balances, whether on account of premiums, commissions, losses, loss adjustment expenses, salvage, or otherwise due one party to the other, its successors or assigns, hereunder or under any other Arrangements heretofore or hereafter entered into between the Company and FEMA. This right of offset shall not be affected or diminished because of insolvency of the Company.

All debts or credits of the same class, whether liquidated or unliquidated, in favor of or against either party to this Arrangement on the date of entry, or any order of conservation, receivership, or liquidation, shall be deemed to be mutual debts and credits and shall be offset with the balance only to be allowed or paid. No offset shall be allowed where a conservator, receiver, or liquidator has been appointed and where an obligation was purchased by or transferred to a party hereunder to be used as an offset.

Although a claim on the part of either party against the other may be unliquidated or undetermined in amount on the date of the entry of the order, such claim will be regarded as being in existence as of the date of such order and any credits or claims of the same class then in existence and held by the other party may be offset against it.

Article XII. Equal Opportunity

The Company shall not discriminate against any applicant for insurance because of race, color, religion, sex, age, handicap, marital status, or national origin.

Article XIII. Restriction on Other Flood Insurance

As a condition of entering into this Arrangement, the Company agrees that in any area in which FEMA authorizes the purchase of flood insurance pursuant to the Program, all flood insurance offered and sold by the Company to persons eligible to buy pursuant to the Program for coverages available under the Program shall be written pursuant to this Arrangement.

This restriction applies solely to policies providing only flood insurance. It does not apply to policies provided by the Company of which flood is one of

the several perils covered, or where the flood insurance coverage amount is over and above the limits of liability available to the insured under the Program.

Article XIV. Access to Books and Records

FEMA, the Department of Homeland Security, and the Comptroller General of the United States, or their duly authorized representatives, for the purpose of investigation, audit, and examination shall have access to any books, documents, papers and records of the Company that are pertinent to this Arrangement. The Company shall keep records that fully disclose all matters pertinent to this Arrangement, including premiums and claims paid or payable under policies issued pursuant to this Arrangement. Records of accounts and records relating to financial assistance shall be retained and available for three (3) years after final settlement of accounts, and to financial assistance, three (3) years after final adjustment of such claims. FEMA shall have access to policyholder and claim records at all times for purposes of the review, defense, examination, adjustment, or investigation of any claim under a flood insurance policy subject to this Arrangement.

Article XV. Compliance With Act and Regulations

This Arrangement and all policies of insurance issued pursuant thereto are subject to Federal law and regulations.

Article XVI. Relationship Between the Parties and the Insured

Inasmuch as the Federal Government is a guarantor hereunder, the primary relationship between the Company and the Federal Government is one of a fiduciary nature, that is, to assure that any taxpayer funds are accounted for and appropriately expended. The Company is a fiscal agent of the Federal Government, but is not a general agent of the Federal Government. The Company is solely responsible for its obligations to its insured under any policy issued pursuant hereto, such that the Federal Government is not a proper party to any lawsuit arising out of such policies.

Authority: 42 U.S.C. 4071, 4081; 44 CFR 62.23.

Dated: April 3, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Federal Emergency Management Agency.

[FR Doc. 2017–07020 Filed 4–6–17; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2012–0012]

National Flood Insurance Program Nationwide Programmatic Environmental Impact Statement

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of availability of a draft nationwide programmatic environmental impact statement and notice of public meetings.

SUMMARY: The Federal Emergency Management Agency (FEMA) has prepared a draft nationwide programmatic environmental impact statement (NPEIS) evaluating the environmental impacts of proposed modifications to the National Flood Insurance Program (NFIP). This Draft NPEIS includes an evaluation of the potential impacts to the natural and human environment associated with the NFIP at a nationwide programmatic level, as well as an evaluation of impacts of alternative proposals to modify the NFIP. Public meetings and public outreach opportunities will be held during the comment period on the Draft NPEIS. The Draft NPEIS is available for download at *www.regulations.gov* under Docket ID FEMA–2012–0012.

DATES: FEMA will conduct public meetings and webinars on the Draft NPEIS. For information on the dates, times, and locations for the public meetings or to register for an online webinar, visit *https://www.fema.gov/programmatic-environmental-impact-statement.*

The public comment period on the Draft NPEIS starts with a concurrent publication through the U.S. Environmental Protection Agency of a notice in the **Federal Register** and will continue until June 6, 2017. FEMA will consider all comments recorded at the public meetings and all electronic and written comments on the Draft NPEIS received or postmarked by June 6, 2017. Agencies, interested parties, and the public are invited to submit comments on this Draft NPEIS at any time during the public comment period.

ADDRESSES: FEMA will hold public meetings to allow the public an opportunity to learn more about the project and to provide comments on the Draft NPEIS. In addition to the public meetings, FEMA has organized a series of online webinars. Similar to the in-person public meetings, during the webinars, FEMA will present information about the Draft NPEIS and accept comments on the Draft NPEIS. For information on the dates, times, and locations for the public meetings or to register for an online webinar, visit *https://www.fema.gov/programmatic-environmental-impact-statement.* You may submit comments, identified by Docket ID FEMA–2012–0012, using one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Search for Docket ID FEMA–2012–0012 and follow the instructions for submitting comments.

Mail/Hand Delivery/Courier: Regulatory Affairs Division, Office of Chief Counsel, Federal Emergency Management Agency, 8NE, 500 C St. SW., Washington, DC 20472.

Instructions: All submissions received must include the FEMA Docket ID. Regardless of the method used for submitting comments or materials, all submissions will be publically available, become part of the public record, and may be printed in the Final NPEIS. Therefore, submitting this information makes it public. All personally identifiable information, such as name or address, voluntarily submitted by the commenter may be publicly accessible.

FOR FURTHER INFORMATION CONTACT: For more information on the NPEIS, contact Bret Gates, FEMA, Federal Insurance and Mitigation Administration, Floodplain Management Division, 400 C Street SW., Washington, DC 20472, or via email at *Bret.Gates@fema.dhs.gov,* or by phone at 202–646–2780.

SUPPLEMENTARY INFORMATION: Flooding has been, and continues to be, a serious risk in the United States. To address the need, in 1968, Congress established the NFIP as a Federal program to provide access to federally backed flood insurance protection. The NFIP is a voluntary Federal program through which property owners in participating communities can purchase Federal flood insurance as a protection against flood losses. In exchange, communities must enact local floodplain management regulations to reduce flood risk and flood-related damages. However, the power to regulate floodplain development, including requiring and approving permits, establishing permitting requirements, inspecting property, and citing violations, requires land use authority. The regulation of land use falls under the State's police powers, which the Constitution reserves to the States, and the States delegate this power down to their respective political subdivisions. FEMA has no direct

involvement in the administration of local floodplain management ordinances or in the permitting process for development in the floodplain.

In addition to providing flood insurance and reducing flood damages through floodplain management, the NFIP identifies and maps the nation's floodplains. Maps depicting flood hazard information are used to promote broad-based awareness of flood hazards, provide data for rating flood insurance policies, and determine the appropriate minimum floodplain management criteria for flood hazard areas.

On average, flooding continues to be the single greatest source of damage from natural hazards in the United States, causing about 82 deaths and $8 billion in property damage annually. Today, more than 22,000 communities participate in the NFIP, with more than 5.1 million flood insurance policies in effect, providing over $1.2 trillion in insurance coverage. The NFIP serves as the foundation for national efforts to reduce the loss of life and property from flood disaster. In 2011, former FEMA Administrator Craig Fugate reported to the Senate Committee on Banking, Housing, and Urban Affairs that implementation of the NFIP minimum floodplain management requirements is estimated to save the nation about $1.7B annually through avoided flood losses.

The proposed modifications to the NFIP are needed to (a) implement the legislative requirements of the Biggert-Waters Flood Insurance Reform Act of 2012 (BW–12) and the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA); and (b) to demonstrate compliance with the Endangered Species Act (ESA). As stated in the draft NPEIS the need to implement the legislative requirements of BW–12 and HFIAA arises from the recent concerns over the fiscal soundness of the NFIP.

This Draft NPEIS considers four alternatives and describes the potential environmental effects of each alternative. The four alternatives include:

- Alternative 1 (No Action)
- The No Action Alternative refers to the current implementation of the NFIP. The No Action Alternative is prescribed by Council on Environmental Quality regulations (40 CFR 1502.14(d)) and serves as a benchmark against which impacts of the alternatives can be evaluated.
- Alternative 2 (Legislatively Required Changes, Floodplain Management Criteria Guidance, and Letter of Map Change [LOMC] Clarification) (Preferred Alternative)
- Phase out of subsidies on certain pre-FIRM properties (non-primary residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.
- Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.
- Implement a monthly installment plan payment option for non-escrowed flood insurance policies.
- Clarify that pursuant to 44 CFR 60.3(a)(2), a community must obtain and maintain documentation of compliance with the appropriate Federal or State laws, including the ESA, as a condition of issuing floodplain development permits.
- Clarify that the issuing of certain LOMC requests (*i.e.,* map revisions) is contingent on the community, or the project proponent on the community's behalf, submitting documentation of compliance with the ESA.
- Alternative 3 (Legislatively Required Changes, Proposed ESA Regulatory Changes, and LOMC Clarification)
- Phase out of subsidies on certain pre-FIRM properties (non-primary residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.
- Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.
- Implement a monthly installment plan payment option for non-escrowed flood insurance policies.
- Establish a new ESA-related performance standard in the minimum floodplain management criteria at 44 CFR 60.3 that would require communities to obtain and maintain documentation that any adverse impacts caused by proposed development, including fill, to ESA-listed species and designated critical habitat will be mitigated to the maximum extent possible.
- Clarify that the exception to the no-rise performance standard in the floodway applies only to projects that serve a public purpose or result in the restoration of the natural and beneficial functions of floodplains.
- Increase the probation surcharge applicable to NFIP communities placed on probation from $50 to $100.
- Clarify that the issuance of certain LOMC requests (*i.e.,* map revisions) is contingent on the community, or the project proponent on the community's behalf, submitting documentation of compliance with the ESA.
- Alternative 4 (Legislatively Required Changes, ESA Guidance, and LOMC Clarification)
- Phase out of subsidies on certain pre-FIRM properties (non-primary residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.
- Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.
- Implement a monthly installment plan payment option for non-escrowed flood insurance policies.
- Utilize the existing performance standard in 44 CFR 60.3(a)(2) to implement a new policy/procedure requiring communities to ensure that, for any floodplain development for which a floodplain development permit is sought, the impacts to ESA-listed species and designated critical habitat are identified and assessed and, if there are any potential adverse impacts to such species and habitat as a result of such development, that the community obtain and maintain documentation that the proposed floodplain development will be undertaken in compliance with the ESA.
- Clarify that the issuance of certain LOMC requests (*i.e.,* map revisions) is contingent on the community, or the project proponent on the community's behalf, submitting documentation of compliance with the ESA.

Public Involvement and Comments

During the public comment period, FEMA will host several in-person public meetings and online webinars to receive comments on the Draft NPEIS. Public meetings will include an overview presentation and an opportunity for the public to present oral comments or submit written comments on the Draft NPEIS. Meeting locations and times are listed under the project Web site *https://www.fema.gov/programmatic-environmental-impact-statement.*

Speakers will be asked to provide brief comments to allow adequate time to hear all comments. Should any speaker desire to provide further information for the record that cannot be presented within the designated time, such additional information may be submitted at the meeting, electronically, or by letter at the address provided on this notice by June 6, 2017. Speakers are encouraged to provide a written version of their oral comments at the in person meetings to ensure that their comments are completely and accurately recorded.

FEMA requests that reviewers provide specific information and comments on factual errors, missing information, or additional considerations that should be corrected or included in the Final NPEIS. Comments on the Draft NPEIS should be as specific as possible and address the adequacy of the NPEIS or the merits of the alternatives discussed (40 CFR 1503.3).

Individual respondents may request confidentiality. The names, street addresses, and city or town information of those providing comments will be part of the administrative record, and will be subject to public disclosure unless confidentiality is requested. Such a request must be stated prominently at the beginning of the comment. We will honor requests to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety, consistent with applicable law.

Comments submitted during this public comment period will be considered in preparation of a Final NPEIS and used by FEMA in its decision-making process for the Federal action. After gathering public comments, FEMA will review and provide responses in the Final NPEIS according to 40 CFR 1503.4. A Record of Decision addressing the Federal action will be issued by FEMA no sooner than 30 days following the distribution of the Final NPEIS.

Authority: 42 U.S.C. 4331 *et seq,;* 40 CFR part 1500; FEMA Instruction 108–1–1.

Dated: March 29, 2017.

Robert Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–06671 Filed 4–6–17; 8:45 am]

BILLING CODE 9111–A6–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Request for Applicants for Appointment to the Federal Emergency Management Agency's Technical Mapping Advisory Council.

SUMMARY: The Federal Emergency Management Agency (FEMA) is requesting qualified individuals interested in serving on the Technical Mapping Advisory Council (TMAC) to apply for appointment. As provided for in the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on how to improve, in a cost-effective manner, the accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps (FIRMs) and risk data; and performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States. Applicants will be considered for appointment for the four vacancies on the TMAC.

DATES: Applications will be accepted until 11:59 p.m. EST on April 24, 2017.

ADDRESSES: Applications for membership should be submitted by one of the following methods:

- *Email: FEMA-TMAC@fema.dhs.gov.*
- *Mail:* FEMA, Federal Insurance and Mitigation Administration, Risk Management Directorate, Attn: Mark Crowell, 400 C Street SW., Suite 313, Washington, DC 20472–3020.

FOR FURTHER INFORMATION CONTACT: Mark Crowell (Designated Federal Officer for the TMAC); FEMA, Federal Insurance and Mitigation Administration, Risk Management Directorate, 400 C Street SW., Suite 313, Washington, DC 20472–3020; telephone: (202) 646–3432; and email: *FEMA-TMAC@fema.dhs.gov.* The TMAC Web site is: *http://www.fema.gov/TMAC.*

SUPPLEMENTARY INFORMATION: The TMAC is an advisory committee that was established by the *Biggert-Waters Flood Insurance Reform Act of 2012,* 42 U.S.C. 4101a, and in accordance with provisions of the *Federal Advisory Committee Act* (FACA), 5 U.S.C. App. (Pub. L. 92–463). The TMAC is required to make recommendations to FEMA on mapping-related issues and activities. This includes mapping standards and guidelines, performance metrics and milestones, map maintenance, interagency and intergovernmental coordination, map accuracy, funding strategies, and other mapping-related issues and activities. In addition, the TMAC is required to submit an annual report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

Members of the TMAC will be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using FIRMs. To the maximum extent practicable, FEMA will ensure that membership of the TMAC has a balance of Federal, State, local, Tribal, and private members, and includes geographic diversity.

FEMA is requesting qualified individuals who are interested in serving on the TMAC to apply for appointment. Applicants will be considered for appointment for four vacancies on the TMAC, the terms of which start on October 1, 2017. Certain members of the TMAC, as described below, will be appointed to serve as Special Government Employees (SGE) as defined in section 202(a) of title 18 United States Code. Candidates selected for appointment as SGEs are required to complete a Confidential Financial Disclosure Form (Office of Government Ethics (OGE) Form 450). This form can be obtained by visiting the Web site of the Office of Government Ethics (*http://www.oge.gov*). Please do not submit this form with your application. Qualified applicants will be considered for one or more of the following membership categories with vacancies:

a. One representative of a State government agency that has entered into a cooperating technical partnership with the FEMA Administrator and has demonstrated the capability to produce FIRMs;

b. One member (SGE) of a recognized professional association or organization representing flood hazard determination firms; and

c. One representative of a recognized professional association or organization representing State geographic information.

Members of the TMAC serve terms of office for two years. There is no

application form. However, applications must include the following information:

- The applicant's full name,
- home and business phone numbers,
- preferred email address,
- home and business mailing addresses,
- current position title and organization,
- resume or curriculum vitae,
- and the membership category of interest (*e.g.,* member of a recognized professional association or organization representing flood hazard determination firms).

The TMAC shall meet as often as needed to fulfill its mission, but not less than twice a year. Members may be reimbursed for travel and per diem incurred in the performance of their duties as members of the TMAC. All travel for TMAC business must be approved in advance by the Designated Federal Officer.

The Department of Homeland Security (DHS) does not discriminate in employment on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. DHS strives to achieve a widely diverse candidate pool for all its recruitment actions. Current DHS and FEMA employees will not be considered for membership. Federally registered lobbyists will not be considered for SGE appointments.

Dated: March 31, 2017.

Roy Wright,

Associate Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 2017–07036 Filed 4–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5998–N–01]

60-Day Notice of Proposed Information Collection: Appalachia Economic Development Initiative

AGENCY: Office of Community Planning and Development (CPD), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 6, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone (202) 402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Jackie L. Williams, Ph.D., Office of Rural Housing and Economic Development, 451 7th Street SW., Washington, DC 20410; email *Jackie.Williams@hud.gov* telephone (202) 708–2290. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Appalachia Economic Development Initiative.

OMB Approval Number: 2506–0201.

Type of Request: Revision of currently approved collection.

Form Number: SF 424; HUD 424CB; HUD 424–CBW; SF–LLL; HUD 2880; HUD 2990; HUD 2991; HUD 2993; HUD 2994A; HUD 27061; and HUD 27300.

Description of the need for the information and proposed use: The purpose of this submission is for the application for the Appalachia Economic Development Initiative grant process. Information is required to rate and rank competitive applications and to ensure eligibility of applicants for funding. Semi-annual reporting is required to monitor grant management.

Respondents: 50.

Estimated Number of Respondents: 50.

Estimated Number of Responses: 50.

Frequency of Response: 1.

Average Hours per Response: 12.55.

Total Estimated Burdens: 627.5.

Estimated Burden:

Instruments	Respondents	Annual responses	Total responses	Burden per response	Total annual hours	Hourly rate **	Burden cost per instrument
HUD–424CB	50	1	50	2.60	130.00	25.00	$3,250.00
HUD–424CBW–I	50	1	50	3.20	160.00	25.00	4,000.00
HUD–2880	50	1	50	2.00	100.00	25.00	2,500.00
HUD–2990	50	1	50	0.00	0.00	00.00	00.00
HUD–2991	50	1	50	0.00	0.00	00.00	00.00
HUD–2993	50	1	50	0.00	0.00	00.00	00.00
HUD–2994A	50	1	50	0.50	25.00	25.00	625.00
HUD–27061	50	1	50	1.25	62.50	25.00	1,562.50
HUD–27300	50	1	50	3.00	150.00	25.00	3,750.00
Total	50	1	50	12.55	627.50	25.00	15,687.50

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 24, 2017.

Clifford Taffet,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2017–07008 Filed 4–6–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5998–N–02]

60-Day Notice of Proposed Information Collection: Delta Community Capital Initiative

AGENCY: Office of Community Planning and Development (CPD), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 6, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Jackie L. Williams, Ph.D., Office of Rural Housing and Economic Development, 451 7th Street SW., Washington, DC 20410; email *Jackie.Williams@hud.gov* telephone 202–708–2290. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Delta Community Capital Initiative.

OMB Approval Number: 2506–0200.

Type of Request: Revision of currently approved collection.

Form Number: SF 424; HUD 424CB; HUD 424–CBW; SF–LLL; HUD 2880; HUD 2990; HUD 2991; HUD 2993; HUD 2994A; HUD 27061; and HUD 27300.

Description of the Need for the Information and Proposed Use: The purpose of this submission is for the application for the Delta Community Capital Initiative grant process. Information is required to rate and rank competitive applications and to ensure eligibility of applicants for funding. Semi-annual reporting is required to monitor grant management.

Respondents: 50.

Estimated Number of Respondents: 50.

Estimated Number of Responses: 50.

Frequency of Response: 1.

Average Hours per Response: 12.55.

Total Estimated Burdens: 627.5.

ESTIMATED BURDEN

Instruments	Respondents	Annual responses	Total responses	Burden per response	Total annual hours	Hourly rate **	Burden cost per instrument
HUD–424CB	50	1	50	2.60	130.00	25.00	$3,250.00
HUD–424CBW–I	50	1	50	3.20	160.00	25.00	4,000.00
HUD–2880	50	1	50	2.00	100.00	25.00	2,500.00
HUD–2990	50	1	50	0.00	0.00	00.00	00.00
HUD–2991	50	1	50	0.00	0.00	00.00	00.00
HUD–2993	50	1	50	0.00	0.00	00.00	00.00
HUD–2994A	50	1	50	0.50	25.00	25.00	625.00
HUD–27061	50	1	50	1.25	62.50	25.00	1,562.50
HUD–27300	50	1	50	3.00	150.00	25.00	3,750.00
Total	50		50	12.55	627.50	25.00	15,687.50

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 24, 2017.

Clifford Taffet,

General Deputy Assistant Secretary.

[FR Doc. 2017–07010 Filed 4–6–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0016; FXIA16710900000–178–FF09A30000]

Endangered Species; 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 applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities. We also invite the public to comment applications for approval to conduct certain activities with bird species covered under the Wild Bird Conservation Act.

DATES: We must receive comments or requests for documents on or before May 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–2017–0016.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2017–0016; 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 below 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: *Endangered Species Applications:* 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.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

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 **ADDRESSES**. 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.*), 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; Jan. 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.

III. Permit Applications

Endangered Species

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.

Applicant: Denver Zoological Foundation, Denver, CO; PRT–93067B

The applicant requests a permit to export one male captive-bred red-cheeked gibbon (*Nomascus gabriellae*) for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 1-year period.

Applicant: Stanford University, Stanford, CA; PRT–54288B

The applicant requests an amendment their permit to include import of biological samples of mouse lemurs (*Microcebus coquereli*) and Coquerel's mouse lemur (*Mirza coquereli*) from Switzerland, for the purpose of enhancement of the species through

scientific research. This notification covers activities to be conducted by the applicant over a 3-year period.

Applicant: Pennsylvania State University, University Park, PA; PRT–11139C

The applicant requests an interstate commerce permit to obtain cell lines from bonobo (*Pan paniscus*) and orangutan (*Pongo pygmaeus*) from the Coriell Institute, Camden, New Jersey, for the purpose of scientific research.

Applicant: Rare Species Conservatory Foundation, Loxahatchee, FL; PRT–21399C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: Red-browed amazon (*Amazona rhodocorytha*) and red siskin (*Carduelis cucullata*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Tonya Moore, Gainesville, VA; PRT–03354C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: Radiated tortoise (*Astrochelys radiata*). This notification covers activities to be conducted by the applicant over a 5-year period

Applicant: Braden De Jong, Oceanside, CA; PRT–94358B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: Radiated tortoise (*Astrochelys radiata*) and the Galapagos tortoise (*Chelonoidis nigra*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Zoological Society of San Diego, San Diego, CA; PRT–694912

The applicant requests an amendment to an existing captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: African penguin (*Spheriscus demersus*). This notification covers activities to be conducted by the applicant over a 5-year period.

Museum Applicants

The applicant requests a permit to export and reimport nonliving museum specimens of endangered and threatened species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Yale Peabody Museum of Natural History, New Haven, CT; PRT–120045

The applicant requests a permit to export and reimport nonliving museum specimens of endangered and threatened species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

IV. 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.*

V. Authorities

Endangered Species Act of 1973 (16 U.S.C. 1531).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017–06947 Filed 4–6–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83550000, 178R5065C6, RX.59389832.1009676]

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, discontinued, or completed since the last publication of this notice. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with section 9(f) of the Reclamation Project Act of 1939. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Michelle Kelly, Reclamation Law Administration Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2888.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of *1939,* and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances,

congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his or her designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to, (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director will furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in the Reports

ARRA American Recovery and Reinvestment Act of 2009
BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
M&I Municipal and Industrial
O&M Operation and Maintenance
OM&R Operation, maintenance, and replacement
P–SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
RRA Reclamation Reform Act of 1982
SOD Safety of Dams
SRPA Small Reclamation Projects Act of 1956
USACE U.S. Army Corps of Engineers
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5344.

1. *Irrigation, M&I, and Miscellaneous Water Users; Idaho, Oregon, Washington, Montana, and Wyoming:* Temporary or interim irrigation and M&I water service, water storage, water right settlement, exchange, miscellaneous use, or water replacement contracts to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. *Rogue River Basin Water Users, Rogue River Basin Project, Oregon:* Water service contracts; $8 per acre-foot per annum.

3. *Willamette Basin Water Users, Willamette Basin Project, Oregon:* Water service contracts; $8 per acre-foot per annum.

4. *Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal and Irrigation Company, Enterprise Canal Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Poplar ID, all in the Minidoka Project, Idaho; and Juniper Flat District Improvement Company, Wapinitia Project, Oregon:* Amendatory repayment and water service contracts; purpose is to conform to the RRA.

5. *Nine water user entities of the Arrowrock Division, Boise Project, Idaho:* Repayment agreements with districts with spaceholder contracts for repayment, per legislation, of the reimbursable share of costs to rehabilitate Arrowrock Dam Outlet Gates under the O&M program.

6. *Three irrigation water user entities, Rogue River Basin Project, Oregon:* Long-term contracts for exchange of water service with three entities for the provision of up to 292 acre-feet of stored water from Applegate Reservoir (a USACE project) for irrigation use in exchange for the transfer of out-of-stream water rights from the Little Applegate River to instream flow rights with the State of Oregon for instream flow use.

7. *Conagra Foods Lamb Weston, Inc., Columbia Basin Project, Washington:* Miscellaneous purposes water service contract providing for the delivery of up to 1,500 acre-feet of water from the Scooteney Wasteway for effluent management.

8. *Benton ID, Yakima Project, Washington:* Replacement contract to, among other things, withdraw the District from the Sunnyside Division Board of Control; provide for direct payment of the District's share of total operation, maintenance, repair, and replacement costs incurred by the United States in operation of storage division; and establish District responsibility for operation, maintenance, repair, and replacement for irrigation distribution system.

9. *City of Prineville and Ochoco ID, Crooked River Project, Oregon:* Long-term contract to provide the City of Prineville with a mitigation water supply from Prineville Reservoir; with Ochoco ID anticipated to be a party to the contract, as they are responsible for O&M of the dam and reservoir.

10. *Burley and Minidoka IDs, Minidoka Project, Idaho:* Supplemental and amendatory contracts to transfer the O&M of the Main South Side Canal Headworks to Burley ID and transfer the O&M of the Main North Side Canal Headworks to the Minidoka ID.

11. *Clean Water Services and Tualatin Valley ID, Tualatin Project, Oregon:* Long-term water service contract that provides for the District to allow Clean Water Services to beneficially use up to 6,000 acre-feet annually of stored water for water quality improvement.

12. *Willow Creek District Improvement Company, Willow Creek Project, Oregon:* Amend to increase the amount of storage water made available under the existing long-term contract from 2,500 to 3,500 acre-feet.

13. *East Columbia Basin ID, Columbia Basin Project, Washington:* Amendment of renewal master water service contract, contract No. 159E101882, to authorize up to an additional 70,000 acres within the District that are located within the Odessa Subarea and eligible to participate in the Odessa Groundwater Replacement Program, to receive Columbia Basin Project irrigation water service.

14. *Talent, Medford, and Rogue River Valley IDs; Rogue River Basin Project; Oregon:* Contracts for repayment of reimbursable shares of SOD program modifications for Hyatt Dam.

15. *Stanfield ID, Umatilla Basin Project, Oregon:* A long-term water service contract to provide for the use of

conjunctive use water, if needed, for the purposes of pre-saturation or failure of District diversion facilities.

16. *Yakama Nation and Cascade ID, Yakima Project, Washington:* Long-term contract for an exchange of water and to authorize the use of capacity in Yakima Project facilities to convey up to 10 cubic feet per second of nonproject water during the non-irrigation season for fish hatchery purposes.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

1. *Irrigation water districts, individual irrigators, M&I and miscellaneous water users; California, Nevada, and Oregon:* Temporary (interim) water service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of excess capacity in project facilities for terms up to 5 years; temporary conveyance agreements with the State of California for various purposes; long-term contracts for similar service for up to 1,000 acre-feet annually.

2. *Contractors from the American River Division, Delta Division, Cross Valley Canal, San Felipe Division, West San Joaquin Division, San Luis Unit, and Elk Creek Community Services District; CVP; California:* Renewal of 30 interim and long-term water service contracts; water quantities for these contracts total in excess of 2.1M acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102–575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts.

3. *Redwood Valley County WD, SRPA, California:* Restructuring the repayment schedule pursuant to Public Law 100–516.

4. *El Dorado County Water Agency, CVP, California:* M&I water service contract to supplement existing water supply. Contract will provide for an amount not to exceed 15,000 acre-feet annually authorized by Public Law 101–514 (Section 206) for El Dorado County Water Agency. The supply will be subcontracted to El Dorado ID and Georgetown Divide Public Utility District.

5. *Sutter Extension WD, Delano-Earlimart ID, Pixley ID, the State of California Department of Water Resources, and the State of California Department of Fish and Wildlife; CVP; California:* Pursuant to Public Law 102–575, agreements with non-Federal entities for the purpose of providing funding for CVPIA refuge water conveyance and/or facilities improvement construction to deliver water for certain Federal wildlife refuges, State wildlife areas, and private wetlands.

6. *CVP Service Area, California:* Temporary water acquisition agreements for purchase of 5,000 to 200,000 acre-feet of water for fish and wildlife purposes as authorized by Public Law 102–575 for terms of up to 5 years.

7. *Horsefly, Klamath, Langell Valley, and Tulelake IDs; Klamath Project; Oregon:* Repayment contracts for SOD work on Clear Lake Dam. These districts will share in repayment of costs, and each district will have a separate contract.

8. *Casitas Municipal WD, Ventura Project, California:* Repayment contract for SOD work on Casitas Dam.

9. *Warren Act Contracts, CVP, California:* Execution of long-term Warren Act contracts (up to 40 years) with various entities for conveyance of nonproject water in the CVP.

10. *Tuolumne Utilities District (formerly Tuolumne Regional WD), CVP, California:* Long-term water service contract for up to 9,000 acre-feet from New Melones Reservoir, and possibly a long-term contract for storage of nonproject water in New Melones Reservoir.

11. *Madera-Chowchilla Water and Power Authority, CVP, California:* Agreement to transfer the OM&R and certain financial and administrative activities related to the Madera Canal and associated works.

12. *Sacramento Suburban WD, CVP, California:* Execution of a long-term Warren Act contract for conveyance of 29,000 acre-feet of nonproject water. The contract will allow CVP facilities to be used to deliver nonproject water provided from the Placer County Water Agency to the District for use within its service area.

13. *Town of Fernley, State of California, City of Reno, City of Sparks, Washoe County, State of Nevada, Truckee-Carson ID, and any other local interest or Native American Tribal Interest who may have negotiated rights under Public Law 101–618; Nevada and California:* Contract for the storage of non-Federal water in Truckee River reservoirs as authorized by Public Law 101–618 and the Preliminary Settlement Agreement. The contracts shall be consistent with the Truckee River Water Quality Settlement Agreement and the terms and conditions of the Truckee River Operating Agreement.

14. *Delta Lands Reclamation District No. 770, CVP, California:* Long-term Warren Act contract for conveyance of up to 300,000 acre-feet of nonproject flood flows via the Friant-Kern Canal for flood control purposes.

15. *Pershing County Water Conservation District, Pershing County, and Lander County; Humboldt Project; Nevada:* Title transfer of lands and features of the Humboldt Project.

16. *Mendota Wildlife Area, CVP, California:* Reimbursement agreement between the California Department of Fish and Wildlife and Reclamation for conveyance service costs to deliver Level 2 water to the Mendota Wildlife Area during infrequent periods when the Mendota Pool is down due to unexpected but needed maintenance. This action is taken pursuant to Public Law 102–575, Title 34, Section 3406(d)(1), to meet full Level 2 water needs of the Mendota Wildlife Area.

17. *San Luis WD, CVP, California:* Proposed partial assignment of 2,400 acre-feet of the District's CVP supply to Santa Nella County WD for M&I use.

18. *Placer County Water Agency, CVP, California:* Proposed exchange agreement under section 14 of the 1939 Act to exchange up to 71,000 acre-feet annually of the Agency's American River Middle Fork Project water for use by Reclamation, for a like amount of CVP water from the Sacramento River for use by the Agency.

19. *Irrigation Contractors, Klamath Project, Oregon:* Amendment of repayment contracts or negotiation of new contracts to allow for recovery of additional capital costs.

20. *Orland Unit Water User's Association, Orland Project, California:* Repayment contract for the SOD costs assigned to the irrigation of Stony Gorge Dam.

21. *Goleta WD, Cachuma Project, California:* An agreement to transfer title of the federally owned distribution system to the District subject to approved legislation.

22. *City of Santa Barbara, Cachuma Project, California:* Execution of a temporary contract and a long-term Warren Act contract with the City for conveyance of nonproject water in Cachuma Project facilities.

23. *Water user entities responsible for payment of O&M costs for Reclamation projects in California, Nevada, and Oregon:* Contracts for extraordinary maintenance and replacement funded pursuant to ARRA. Added costs to rates to be collected under irrigation and interim M&I ratesetting policies.

24. *Water user entities responsible for payment of O&M costs for Reclamation projects in California, Nevada, and Oregon:* Contracts for extraordinary maintenance and replacement funded pursuant to Subtitle G of Public Law 111–11.

25. *Cachuma Operation and Maintenance Board, Cachuma Project, California:* Amendment to SOD contract No. 01–WC–20–2030 to provide for increased SOD costs associated with Bradbury Dam.

26. Reclamation will become signatory to a three-party conveyance agreement with the Cross Valley Contractors and the California State Department of Water Resources for conveyance of Cross Valley Contractors' CVP water supplies that are made available pursuant to long-term water service contracts.

27. *Westlands WD, CVP, California:* Negotiation and execution of a long-term repayment contract to provide reimbursement of costs related to the construction of drainage facilities. This action is being undertaken to satisfy the Federal Government's obligation to provide drainage service to Westlands located within the San Luis Unit of the CVP.

28. *San Luis WD, Meyers Farms Family Trust, and Reclamation; CVP; California:* Revision of an existing contract between San Luis WD, Meyers Farms Family Trust, and Reclamation providing for an increase in the exchange of water from 6,316 to 10,526 acre-feet annually and an increase in the storage capacity of the bank to 60,000 acre-feet.

29. *San Joaquin Valley National Cemetery, U.S. Department of Veteran Affairs; Delta Division, CVP; California:* Negotiation of a multi-year wheeling agreement with a retroactive effective date of 2011 is pending. A wheeling agreement with the State of California Department of Water Resources provides for the conveyance and delivery of CVP water through the State of California's water project facilities to the San Joaquin Valley National Cemetery.

30. *Byron-Bethany ID, CVP, California:* Negotiation of a multi-year wheeling agreement with a retroactive effective date is pending. A wheeling agreement with the State of California Department of Water Resources provides for the conveyance and delivery of CVP water through the State of California's water project facilities, to the Musco Family Olive Company, a customer of Byron-Bethany ID.

31. *Contra Costa WD, CVP, California:* Amendment to an existing O&M agreement to transfer O&M of the Contra Costa Rock Slough Fish Screen to the District. Initial construction funding provided through ARRA.

32. *Irrigation water districts, individual irrigators and M&I water users, CVP, California:* Temporary water service contracts for terms not to exceed 1 year for up to 100,000 acre-feet of surplus supplies of CVP water resulting from an unusually large water supply, not otherwise storable for project purposes, or from infrequent and otherwise unmanaged flood flows of short duration.

33. *Irrigation water districts, individual irrigators, M&I and miscellaneous water users, CVP, California:* Temporary Warren Act contracts for terms up to 5 years providing for use of excess capacity in CVP facilities for annual quantities exceeding 10,000 acre-feet.

34. *City of Redding, CVP, California:* Proposed partial assignment of 30 acre-feet of the City of Redding's CVP water supply to the City of Shasta Lake for M&I use.

35. *Langell Valley ID, Klamath Project; Oregon:* Title transfer of lands and facilities of the Klamath Project.

36. *Sacramento River Division, CVP, California:* Administrative assignments of various Sacramento River Settlement Contracts.

37. *California Department of Fish and Game, CVP, California:* To extend the term of and amend the existing water service contract for the Department's San Joaquin Fish Hatchery to allow an increase from 35 to 60 cubic feet per second of continuous flow to pass through the Hatchery prior to it returning to the San Joaquin River.

38. *Orland Unit Water User's Association, Orland Project, California:* Title transfer of lands and features of the Orland Project.

39. *Santa Clara Valley WD, CVP, California:* Second amendment to Santa Clara Valley WD's water service contract to add CVP-wide form of contract language providing for mutually agreed upon point or points of delivery.

40. *PacifiCorp, Klamath Project, Oregon and California:* Transfer of O&M of Link River Dam and associated facilities. Contract will allow for the continued O&M by PacifiCorp.

41. *Tulelake ID, Klamath Project, Oregon and California:* Transfer of O&M of Station 48 and gate on Drain No. 1, Lost River Diversion Channel.

42. *Fresno County Waterworks No. 18; Friant Division, CVP; California:* Execution of an agreement to provide for the O&M of select Federal facilities by Fresno County Waterworks No. 18.

43. *U.S. Fish and Wildlife Service, Tulelake ID; Klamath Project; Oregon and California:* Water service contract for deliveries to Lower Klamath National Wildlife Refuge, including transfer of O&M responsibilities for the P Canal system.

44. *Tulelake ID, Klamath Project, Oregon and California:* Amendment of repayment contract to eliminate reimbursement for P Canal O&M costs.

45. *East Bay Municipal Utility District, CVP, California:* Long-term Warren Act contract for storage and conveyance of up to 47,000 acre-feet annually.

46. *Sacramento County Water Agency, CVP, California:* Assignment of 7,000 acre-feet of CVP water to the City of Folsom.

47. *Gray Lodge Wildlife Area, CVP, California:* Reimbursement agreement between the California Department of Fish and Wildlife and Reclamation for groundwater pumping costs. Groundwater will provide a portion of Gray Lodge Wildlife Area's CVPIA Level 4 water supplies. This action is taken pursuant to Public Law 102–575, Title 34, Section 3406(d)(1, 2 and 5), to meet full Level 4 water needs of the Gray Lodge Wildlife Area.

48. *State of Nevada, Newlands Project, Nevada:* Title transfer of lands and features of the Carson Lake and Pasture.

49. *Washoe County Water Conservation District, Truckee Storage Project, Nevada:* Repayment contract for costs associated with SOD work on Boca Dam.

Completed contract action:

1. *(48) Del Puerto WD, CVP, California:* Long-term Warren Act contract, not to exceed 40 years, for annual storage and conveyance of up to 60,000 acre-feet of recycled water from the cities of Turlock and Modesto. This nonproject water will be stored in the San Luis Reservoir and conveyed through the Delta-Mendota Canal to agricultural lands and wildlife refuges. Contract executed on August 12, 2016.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8192.

1. *Milton and Jean Phillips, BCP, Arizona:* Develop a Colorado River water delivery contract for 60 acre-feet of Colorado River water per year as recommended by the Arizona Department of Water Resources.

2. *Gila Project Works, Gila Project, Arizona:* Perform title transfer of facilities and certain lands in the Wellton-Mohawk Division from the United States to the Wellton-Mohawk IDD.

3. *Sherrill Ventures, LLLP and Green Acres Mohave, LLC; BCP; Arizona:* Draft contracts for PPR No. 14 for 1,080 acre-feet of water per year as follows: Sherrill Ventures, LLLP, a draft contract for 954.3 acre-feet per year and Green Acres Mohave, LLC, a draft contract for 125.7 acre-feet per year.

4. *San Carlos Apache Tribe and the Town of Gilbert, CAP, Arizona:* Proposed 100-year lease not to exceed 5,925 acre-feet per year of CAP water from the Tribe to Gilbert.

5. *Bard WD, Yuma Project, California:* Supersede and replace the District's O&M contract for the Yuma Project, California, Reservation Division, Indian Unit, to reflect that appropriated funds are no longer available, and to specify an alternate process for transfer of funds. In addition, other miscellaneous processes required for Reclamation's contractual administration and oversight will be updated to ensure the Federal Indian Trust obligation for reservation water and land are met.

6. *Metropolitan Water District of Southern California, San Diego County Water Authority, and Otay WD; BCP; California:* Execute a proposed amendment No. 2 to extend the ''Agreement for Temporary Emergency Delivery of a Portion of the Mexican Treaty Waters of the Colorado River to the International Boundary in the Vicinity of Tijuana, Baja California, Mexico, and the Operation of Facilities in the United States'' until November 9, 2019.

7. *Central Arizona Water Conservation District, CAP, Arizona:* Negotiate a standard form of wheeling agreement for the wheeling of nonproject water (CAP System Use Agreement), in accordance with the District's existing contract.

8. *Ogram Farms, BCP, Arizona:* Assign the contract to the new landowners and revise Exhibit A of the contract to change the contract service area and points of diversion/delivery.

9. *Ogram Boys Enterprises, Inc., BCP, Arizona:* Revise Exhibit A of the contract to change the contract service area and points of diversion/delivery.

10. *Reclamation, Davis Dam (Davis Dam), and Big Bend WD; BCP; Arizona and Nevada:* Enter into proposed ''Agreement for the Diversion, Treatment, and Delivery of Colorado River Water'' in order for the District to divert, treat, and deliver to Davis Dam the Davis Dam Secretarial Reservation amount of up to 100 acre-feet per year of Colorado River water.

11. *Reclamation, Arizona Department of Water Resources, Arizona Water Banking Authority, Central Arizona Water Conservation District, Southern Nevada Water Authority, and The Metropolitan Water District of Southern California; BCP; Arizona, California and Nevada:* Begin negotiations to enter into proposed ''Storage and Interstate Release Agreement(s)'' for creation, offstream storage, and release of unused basic or surplus Colorado River apportionment within the lower division states pursuant to 43 CFR part 414.

12. *Imperial ID, Lower Colorado River Water Supply Project, California:* Develop an agreement between Reclamation and Imperial ID for the funding of design, construction, and installation of power facilities for the Project.

13. *San Carlos Apache Tribe and the Pascua Yaqui Tribe, CAP, Arizona:* Execute a CAP water lease in order for the San Carlos Apache Tribe to lease 2,230 acre-feet of its CAP water to the Pascua Yaqui Tribe during calendar year 2017.

14. *City of Yuma, BCP, Arizona:* Long-term consolidated contract with the City for delivery of its Colorado River water entitlement.

15. *Imperial ID, BCP, California:* Approve an assignment of 155 cubic feet per second of capacity in the All-American Canal and all obligations associated therewith to the District from the City of San Diego.

16. *Valencia Water Company and the City of Buckeye, CAP, Arizona:* Execute a proposed assignment to the City of Buckeye of Valencia Water Company's 43 acre-foot annual CAP M&I water entitlement. This proposed action will increase the City of Buckeye's final 2034 entitlement to 68 acre-feet per annum and will eliminate Valencia Water Company's entitlement.

17. *Fort McDowell Yavapai Nation and the Town of Gilbert, CAP, Arizona:* Execute amendment No. 5 to a CAP water lease to extend the term of the lease in order for the Fort McDowell Yavapai Nation to lease 13,933 acre-feet of its CAP water to the Town of Gilbert during calendar year 2017.

18. *San Carlos Apache Tribe and the Town of Gilbert, CAP, Arizona:* Execute amendment No. 6 to a CAP water lease to extend the term of the lease in order for the San Carlos Apache Tribe to lease 29,341 acre-feet of its CAP water to the Town of Gilbert during calendar year 2017.

19. *Cibola Valley IDD and Western Water, LLC, BCP, Arizona:* Execute a proposed partial assignment of fourth priority Colorado River water in the amount of 681.48 acre-feet per year from the District to Western Water, LLC and a new Colorado River water delivery contract with Western Water, LLC.

Completed contract actions:

1. *(22) Mohave County Water Authority, BCP, Arizona:* Amend Exhibit B to the Authority's Colorado River water delivery contract to update the annual diversion amounts to be used within the contract service areas. Contract executed on October 5, 2016.

2. *(23) City of Chandler and the Gila River Indian Community, CAP, Arizona:* Approve a CAP water lease for the Community to lease 2,450 acre-feet per year of its CAP water to Chandler for 100 years. (The United States is not a party to this lease agreement, but must approve the lease agreement pursuant to the Arizona Water Settlements Act and the Community's amended CAP water delivery contract.) Contract executed on November 4, 2016.

3. *(24) City of Chandler and the Gila River Indian Community, CAP, Arizona:* Approve a reclaimed water exchange agreement beginning January 1, 2019, for 50 years. The Agreement will allow for the exchange of Chandler reclaimed water for Community CAP water. The Community will accept delivery of up to 4,225 acre-feet per year of Chandler reclaimed water, in exchange for up to 3,380 acre-feet of Community CAP water. (The United States is not a party to this agreement, but must approve the agreement pursuant to the Arizona Water Settlements Act.) Contract executed on November 4, 2016.

4. *(25) Avra Water Co-op, Inc. and the Town of Marana, CAP, Arizona:* Execute a proposed assignment to the Town of Marana of Avra Water Co-op's 808 acre-foot annual CAP M&I water entitlement. This proposed action will increase the Town of Marana's entitlement to 2,336 acre-feet per annum and will eliminate Avra Water Co-op's entitlement. Contract executed on November 3, 2016.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 8100, Salt Lake City, Utah 84138–1102, telephone 801–524–3864.

1. *Individual irrigators, M&I, and miscellaneous water users; Initial Units, CRSP; Utah, Wyoming, Colorado, and New Mexico:* Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 10 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. *Contracts with various water user entities responsible for payment of O&M costs for Reclamation projects in Arizona, Colorado, New Mexico, Texas, Utah, and Wyoming:* Contracts for extraordinary maintenance and replacement funded pursuant to Subtitle G of Public Law 111–11 to be executed as project progresses.

3. *Middle Rio Grande Project, New Mexico:* Reclamation continues annual leasing of water from various San Juan-Chama Project contractors to stabilize flows in a critical reach of the Rio Grande in order to meet the needs of irrigators and preserve habitat for the silvery minnow. Reclamation leased approximately 14,156 acre-feet of water from San Juan-Chama Project contractors in 2016.

4. *Bridger Valley Water Conservancy District, Lyman Project, Wyoming:* The District has requested that its Meeks Cabin repayment contract be amended from two 25-year contacts to one 40-year contract.

5. *Ephraim Irrigation Company, Sanpete Project, Utah:* The Company proposes to enclose the Ephraim Tunnel with a 54-inch pipe. A supplemental O&M agreement will be necessary to obtain the authorization to modify Federal facilities.

6. *Weber Basin Water Conservancy District, Weber Basin Project, Utah:* The District has requested a contract to allow the storage of Weber Basin Project water in Smith Morehouse Reservoir under the authority of Section 14 of the Reclamation Projects Act of 1939.

7. *Carbon Water Conservancy District, Scofield Project, Utah:* The District has requested Reclamation's assistance with O&M activities to rehabilitate certain portions of the Scofield Dam outlet works and surrounding area.

8. *Eden Valley IDD, Eden Project, Wyoming:* The District proposes to raise the level of Big Sandy Dam to fully perfect its water rights. A supplemental O&M agreement will be necessary to obtain the authorization to modify Federal facilities.

9. *Uintah Water Conservancy District; Vernal Unit, CUP; Utah:* The District desires to pipe the Steinaker Service Canal to improve public safety, decrease O&M costs, and increase water efficiency. This action will require a supplementary O&M contract to modify Federal Reclamation facilities, as well as an agreement written under the authority of the Civil Sundry Appropriations Act of 1921 for Reclamation to accept funds to review designs, inspect project construction, and any other activities requiring Reclamation's participation.

10. *Newton Water Users Association, Newton Project; Utah:* The Association desires to abandon the Federal canals distributing water from Newton Reservoir and replace them with a private pipeline. This requires a supplementary O&M agreement to approve modification to Federal Reclamation facilities and outline the O&M responsibilities during and after construction.

11. *Newton Water Users Association, Newton Project; Utah:* The Utah Division of Wildlife Resources desires to install a fish screen on the outlet works of Newton Dam. This requires a supplementary O&M agreement to approve modification to Federal Reclamation facilities.

12. *Salem Canal and Irrigation Company, Strawberry Valley Project, Utah:* The United States intends to enter into an amendatory contract regarding possible lost generation of power revenues generated at the Spanish Fork Power Plant on the Strawberry Valley Project.

13. *Weber Basin Water Conservancy District, A.V. Watkins Dam, Utah:* The United States intends to enter into an implementation agreement with the District giving the District the authority to modify Federal facilities to raise the crest of A.V. Watkins Dam.

14. *Strawberry High Line Canal Company, Strawberry Valley Project; Utah:* The Strawberry High Line Canal Company has requested a conversion of up to 20,000 acre-feet of irrigation water to be allowed for miscellaneous use.

15. *Uintah Water Conservancy District; Flaming Gorge Unit, CRSP; Utah:* The District has requested a long-term water service contract to remove up to 5,500 acre-feet of water annually from the Green River for irrigation purposes under the authority of Section 9(e) of the Reclamation Project Act of 1939. A short-term contract may be executed until a long-term contract can be completed.

16. *South Cache Water Users Association, Hyrum Project, Utah:* A new spillway is being investigated as of a SOD fix. This will require a repayment contract for the reimbursable costs.

17. *Emery County Water Conservancy District, Emery County Project, Utah:* The District has requested to convert 79 acre-feet of Cottonwood Creek Consolidated Irrigation Company water from irrigation to M&I uses.

18. *Uintah Water Conservancy District; Vernal Unit, CUP; Utah:* Due to sloughing on the face of Steinaker Dam north of Vernal, Utah, a SOD fix authorized under the SOD Act of 1978 may be necessary to perform the various functions needed to bring Steinaker Reservoir back to full capacity. This will require a repayment contract with the United States.

19. *Salt River Project Agricultural Improvement and Power District, Salt River Project; Glen Canyon Unit, CRSP; Arizona:* The District has requested an extension of its existing contract from 2034 through 2044. This action is awaiting further development by the District.

20. *Dolores Water Conservancy District, Dolores Project, Colorado:* The District has requested a water service contract for 1,402 acre-feet of newly identified project water for irrigation. The proposed water service contract will provide 417 acre-feet of project water for irrigation of the Ute Enterprise and 985 acre-feet for use by the District's full-service irrigators.

21. *City of Page, Arizona; Glen Canyon Unit, CRSP; Arizona:* Long-term contract for 975 acre-feet of water for municipal purposes.

22. *Florida Water Conservancy District, Florida Project, Colorado:* The District and the United States, pursuant to Section 4 of the CRSP, and subsection 9(c)(2) of the Reclamation Projects Act of 1939, propose to negotiate and execute a water service contract for 2,500 acre-feet of Florida Project water for M&I and other miscellaneous beneficial uses, other than commercial agricultural irrigation, within the District boundaries in La Plata County, Colorado.

23. *Utah Division of State Parks, Utah:* Requested an early renewal of its 11 State Parks Agreements for recreation management at various Reclamation Reservoirs.

24. *State of Wyoming, Seedskadee Project; Wyoming:* The Wyoming Water Development Commission is interested in purchasing an additional 65,000 acre-feet of M&I water from Fontenelle Reservoir.

25. *Ute Indian Tribe of the Uinta and Ouray Reservation, CUP, Utah:* The Ute Indian Tribe of the Uinta and Ouray Reservation, Utah, has requested the use of excess capacity in the Strawberry Aqueduct and Collection System, as authorized in the Central Utah Project Completion Act legislation.

26. *Ute Indian Tribe of the Uinta and Ouray Reservation; Flaming Gorge Unit, CRSP; Utah:* As part of discussions on settlement of a potential compact, the Ute Indian Tribe of the Uinta and Ouray Reservation, Utah, has indicated interest in storage of its potential water right in Flaming Gorge Reservoir.

27. *State of Utah; Flaming Gorge Unit, CRSP; Utah:* The State of Utah has requested contracts (likely an exchange contracts) that would allow the full development and use of the Central Utah Project Ultimate Phase water right which was previously assigned to the State of Utah. The water right involves 158,000 acre-feet of depletion, of which 86,000 acre-feet is for the State of Utah's proposed Lake Powell Pipeline Project.

28. *Weber Basin Water Conservancy District, Weber Basin Project, Utah:* The

District has requested permission to install a low-flow hydro-electric generation plant at Causey Reservoir to take advantage of winter releases. This will likely be accomplished through a supplemental O&M contract.

29. *Central Utah Water Conservancy District; Bonneville Unit, CUP; Utah:* The District has received a request to convert 300 acre-feet of irrigation water in Wasatch County to M&I purposes. This will require an amended block notice.

30. *Provo River Restoration Project, Utah:* The Utah Reclamation Mitigation and Conservation Commission is amending agreement No. 9–LM–40–01410 to include additional acreage in the boundaries of the Provo River Restoration Project.

31. *East Wanship Irrigation Company, Weber Basin Project, Utah:* The Company has requested a supplemental O&M agreement to modify the Federal facilities below Wanship Dam to install a pipe from its current point of delivery to the end of the Primary Jurisdiction Zone.

32. *Mancos Water Conservancy District, Mancos Project, Colorado:* Proposed preliminary lease and funding agreement for preliminary work associated with potential lease of power privilege.

33. *Mancos Water Conservancy District, Mancos Project, Colorado:* Proposed funding agreement for preliminary work associated with the evaluation of title transfer.

34. *North Fork Water Conservancy District and Ragged Mountain Water Users Association, Paonia Project, Colorado:* An existing contract for 2,000 acre-feet expired on December 31, 2016. The parties have requested a 5-year contract that will begin when the existing contract expired. The new contract will be for up to 2,000 acre-feet of water for irrigation and M&I uses. Up to 200 acre-feet will be available for M&I uses.

35. *VBC Owners Association; Aspinall Unit, CRSP; Colorado:* The association has requested a long-term water service contract for 8 acre-feet of water out of the Aspinall Unit, CRSP.

36. *Collbran Water Conservancy District, Collbran Project, Colorado:* The District has requested an exchange contract with William Morse for exchange of water on the Collbran Project.

37. *Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado:* Ute Mountain Ute Tribe, has requested a water delivery contract for 33,519 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

38. *Navajo-Gallup Water Supply Project, New Mexico:* Reclamation continues negotiations on an OM&R transfer contract with the Navajo Tribal Utility Authority pursuant to Public Law 111–11, Section 10602(f) which transfers responsibilities to carry out the OM&R of transferred works of the Project; ensures the continuation of the intended benefits of the Project; distribution of water; and sets forth the allocation and payment of annual OM&R costs of the Project.

39. *Florida Water Conservancy District, Florida Project, Colorado:* The United States and the District, pursuant to Section 4 of the CRSP, and subsection 9(c)(2) of the Reclamation Projects Act of 1939, propose to execute a water service contract for 2,500 acre-feet of Florida Project water for M&I and other miscellaneous beneficial uses, other than commercial agricultural irrigation, within the District boundaries in La Plata County, Colorado.

40. *Animas-La Plata Project, Colorado-New Mexico:* (a) Navajo Nation title transfer agreement for the Navajo Nation Municipal Pipeline for facilities and land outside the corporate boundaries of the City of Farmington, New Mexico; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554) and the Northwestern New Mexico Rural Water Projects Act (Title X of Pub. L. 111–11); (b) City of Farmington, New Mexico, title transfer agreement for the Navajo Nation Municipal Pipeline for facilities and land inside the corporate boundaries of the City of Farmington; New Mexico, contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554) and the Northwestern New Mexico Rural Water Projects Act (Title X of Pub. L. 111–11); and (c) Operations agreement among the United States, Navajo Nation, and City of Farmington for the Navajo Nation Municipal Pipeline pursuant to Public Law 111–11, Section 10605(b)(1) that sets forth any terms and conditions that secures an operations protocol for the M&I water supply.

Completed contract action:

1. *(36) Sweetwater County; Flaming Gorge Unit, CRSP; Wyoming:* Sweetwater County has requested a water service contract for 1 acre-foot of M&I water annually from Flaming Gorge Reservoir. Contract executed on September 22, 2016.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406–247–7752.

1. *Irrigation, M&I, and miscellaneous water users; Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming:* Water service contracts for the sale, conveyance, storage, and exchange of surplus project water and nonproject water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for a term of up to 1 year, or up to 1,000 acre-feet of water annually for a term of up to 40 years.

2. *Water user entities responsible for payment of O&M costs for Reclamation projects in Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming:* Contracts for extraordinary maintenance and replacement funded pursuant to Subtitle G of Public Law 111–11.

3. *Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado:* Water service contracts for irrigation and M&I; contracts for the sale of water from the marketable yield to water users within the Colorado River Basin of western Colorado.

4. *Garrison Diversion Conservancy District, Garrison Diversion Unit, P–SMBP, North Dakota:* Intent to modify long-term water service contract to add additional irrigated acres.

5. *Fryingpan-Arkansas Project, Colorado:* Consideration of excess capacity contracting in the Fryingpan-Arkansas Project.

6. *Colorado-Big Thompson Project, Colorado:* Consideration of excess capacity contracting in the Colorado-Big Thompson Project.

7. *Northern Integrated Supply Project, Colorado-Big Thompson Project, Colorado:* Consideration of a new long-term contract with approximately 15 regional water suppliers and the Northern Colorado Water Conservancy District for the Northern Integrated Supply Project.

8. *Roger W. Evans (Individual); Boysen Unit, P–SMBP; Wyoming:* Renewal of long-term water service contract.

9. *Busk-Ivanhoe, Inc., Fryingpan-Arkansas Project, Colorado:* Contract for long-term carriage and storage, and/or a new contract for an additional use of water.

10. *Southeastern Water Conservancy District, Fryingpan-Arkansas Project, Colorado:* Consideration of an excess capacity master storage contract.

11. *State of Kansas Department of Wildlife and Parks; Glen Elder Unit, P–SMBP; Kansas:* Intent to enter into a contract for the remaining conservation storage in Waconda Lake for recreation and fish and wildlife purposes.

12. *Arkansas Valley Conduit, Fryingpan-Arkansas Project, Colorado:* Consideration of a repayment contract for the Arkansas Valley Conduit.

13. *Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado:* Amend or supplement the 1938 repayment contract to include the transfer of OM&R for Carter Lake Dam Additional Outlet Works and Flatiron Power Plant Bypass facilities.

14. *Van Amundson; Jamestown Reservoir, Garrison Diversion Unit, P–SMBP; North Dakota:* Intent to enter into an individual long-term irrigation water service contract to provide up to 285 acre-feet of water annually for a term of up to 40 years from Jamestown Reservoir, North Dakota.

15. *Donala Water and Sanitation District, Fryingpan-Arkansas Project, Colorado:* Consideration of a long-term excess capacity contract.

16. *Purgatoire Water Conservancy District, Trinidad Project, Colorado:* Consideration of a request to amend the contract.

17. *Central Oklahoma Master Conservancy District, Norman Project, Oklahoma:* Amend existing contract No. 14–06–500–590 to execute a separate contract(s) to allow for importation and storage of nonproject water in accordance with the Lake Thunderbird Efficient Use Act of 2012.

18. *Midvale ID; Riverton Unit, P–SMBP; Wyoming:* Consideration of a contract with the District for repayment of SOD costs at Bull Lake Dam.

19. *Mirage Flats ID, Mirage Flats Project, Nebraska:* Consideration of a contract action for repayment of SOD costs.

20. *Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas:* Consideration of a potential contract(s) for use of excess capacity by individual landowner(s) for irrigation purposes.

21. *Western Heart River ID; Heart Butte Unit, P–SMBP; North Dakota:* Consideration of amending the long-term irrigation repayment contract and project-use power contract to include additional acres.

22. *Dickinson-Heart River Mutual Aid Corporation; Dickinson Unit, Heart Division; P–SMBP; North Dakota:* Consideration of amending the long-term irrigation water service contract to modify the acres irrigated.

23. *Buford-Trenton ID, Buford-Trenton Project, P–SMBP; North Dakota:* Consideration of amending the long-term irrigation power repayment contract and project-use power contract to include additional acres.

24. *Bostwick Division, P–SMBP:* Excess capacity contract with the State of Nebraska and/or State of Kansas entities and/or irrigation districts.

25. *Milk River Project, Montana:* Proposed amendment to contracts to reflect current landownership.

26. *Glen Elder ID No. 8; Glen Elder Unit, P–SMBP; Kansas:* Consideration to renew long-term water service contract No. 2–07–60–W0855.

27. *Central Oklahoma Master Conservancy District, Norman Project, Oklahoma:* Consideration of a contract for a supply of water made possible when infrequent and otherwise unmanageable flood flows of short duration create a temporary supply of water.

28. *Avalanche ID; Canyon Ferry Unit, P–SMBP; Montana:* Proposal to negotiate, execute, and administer a long-term water service contract to irrigate up to 11,000 acres of land with water from Canyon Ferry Reservoir.

29. *Oxbow Ranch; Canyon Ferry Unit, P–SMBP; Montana:* Proposal to negotiate, execute, and administer a long-term water service contract for multiple purposes with water from Canyon Ferry Reservoir.

30. *Hickory Swings Golf Course; Canyon Ferry Unit, P–SMBP; Montana:* Consideration to amend contract No. 159E670039 to increase the water supply from 20 to 50 acre-feet.

31. *Ainsworth ID; Ainsworth Unit, P–SMBP; Montana:* Consideration of a contract with the District for repayment of SOD costs at Merritt Dam.

Completed contract action:

1. *(22) Helena Valley ID; Helena Valley Unit, P–SMBP; Montana:* Consideration of a contract to allow for delivery of up to 500 acre-feet of water for M&I purposes within the District boundaries. Contract executed on November 9, 2016.

Dated: February 1, 2017.

Roseann Gonzales,

Director, Policy and Administration.

[FR Doc. 2017–06964 Filed 4–6–17; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1359 (Preliminary)]

Carton Closing Staples From China; Institution of Antidumping Duty Investigation and Scheduling of Preliminary Phase Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping duty investigation No. 731–TA–1359 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of carton closing staples from China, provided for in subheadings 8305.20.00 and 7317.00.65 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping duty investigations in 45 days, or in this case by May 15, 2017. The Commission's views must be transmitted to Commerce within five business days thereafter, or by May 22, 2017.

DATES: Effective March 31, 2017.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones, (202) 205–3358, Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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 (*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.*

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), in response to a petition filed on March 31, 2017, by North American Steel & Wire, Inc./ISM Enterprises, Butler, Pennsylvania. For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the

investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with this investigation for 12:30 p.m. on Thursday, April 20, 2017, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before April 18, 2017. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before April 26, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: April 3, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–06928 Filed 4–6–17; 8:45 am]

BILLING CODE 7020–02–P

LEGAL SERVICES CORPORATION

Notice of Proposed Revisions to the Grant Terms and Conditions (Formerly the LSC Grant Assurances) for Grant Year 2018 Basic Field Grants

AGENCY: Legal Services Corporation.

ACTION: Notice of proposed changes and request for comments.

SUMMARY: The Legal Services Corporation (LSC) intends to revise the Grant Terms and Conditions (formerly the Grant Assurances) for grant year 2018 Basic Field Grants and is soliciting public comment on the proposed changes.

DATES: All comments and recommendations must be received on or before the close of business on May 8, 2017.

ADDRESSES: You may submit comments by any of the following methods.

Instructions: Electronic submissions are preferred via email with attachments in Acrobat PDF format. LSC may not consider written comments sent via any other method or received after the end of the comment period.

- Include ''2018 Basic Field Grant Terms and Conditions'' as the heading or subject line for all comments submitted.
- All comments should be addressed to Rebecca D. Weir, Senior Assistant General Counsel, Legal Services Corporation.
- *Email: rweir@lsc.gov* (preferred).
- *Fax:* (202) 337–6813.
- *Mail or Hand Delivery or Courier:* Legal Services Corporation, 3333 K Street NW., Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Rebecca D. Weir, Senior Assistant General Counsel, *rweir@lsc.gov,* (202) 295–1618.

SUPPLEMENTARY INFORMATION: Beginning with grant year 2018, LSC is revising its process for developing the Grant Assurances for the Basic Field Grant program. The Grant Assurances will be renamed the Grant Terms and Conditions and will become a part of the Request for Proposals to better notify Basic Field Grant applicants about the legal, regulatory, and contractual requirements of the grants. The Grant Terms and Conditions delineate LSC and recipients' rights and responsibilities under the grant.

LSC is issuing this Notice for two reasons: (1) To inform recipients and other stakeholders of the change; and (2) to allow interested parties the opportunity to comment on proposed changes to the Terms and Conditions.

For grant year 2018, LSC has not made substantive changes to the grant year 2017 Grant Assurances/Terms and Conditions. LSC proposes adding several terms, however, including:

- Expanded explanations of the statutory restrictions on the use of LSC and non-LSC funds;
- Expanded explanations on the organizational governance and programmatic requirements that recipients of Basic Field Grant funds must follow;
- Explanation of governing law, venue, and mandatory mediation requirements;
- Prohibition on assigning a Basic Field Grant award to another organization;
- Explanation of intellectual property rights in products developed by a grantee using Basic Field Grant funds;
- Explanation of the grantor-grantee relationship between LSC and a successful applicant for funding;
- Standard integration, severability, and indemnification clauses; and
- Expanded explanation of enforcement procedures.

The Proposed 2018 Grant Terms and Conditions are available for review in

the Matters for Comment section of *www.lsc.gov* at *http://www.lsc.gov/about-lsc/matters-comment.*

Dated: April 3, 2017.

Mark Freedman,

Senior Associate General Counsel.

[FR Doc. 2017–06937 Filed 4–6–17; 8:45 am]

BILLING CODE 7050–01–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 17–01]

Millennium Challenge Corporation Advisory Council Notice of Open Meeting

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C.—App., the Millennium Challenge Corporation (MCC) Advisory Council was established as a discretionary advisory committee on June 14, 2016 to serve MCC in a solely advisory capacity and provide insight regarding innovations in infrastructure, technology and sustainability; perceived risks and opportunities in MCC partner countries; new financing mechanisms for developing country contexts; and shared value approaches. The Advisory Council provides a platform for systematic engagement with the private sector and other external stakeholders and contributes to MCC's mission—to reduce poverty through sustainable, economic growth.

Time and Place: Thursday, April 20, 2017 from 8:30 a.m.–1:45 p.m. which includes a working lunch. The meeting will be held at the Millennium Challenge Corporation 1099 14th St. NW., Suite 700, Washington, DC 20005.

Agenda: During the spring 2017 meeting of the MCC Advisory Council, members will discuss ways MCC can continue to bolster its relationship with the private sector and provide advice on MCC's Compact program in Côte d'Ivoire.

Public Participation: The meeting will be open to the public. Members of the public may file written statement(s) before or after the meeting. If you plan to attend, please submit your name and affiliation no later than Wednesday, April 12 to *MCCAdvisoryCouncil@mcc.gov* to be placed on an attendee list.

FOR FURTHER INFORMATION CONTACT: For further information, contact Beth Roberts at *MCCAdvisoryCouncil@mcc.gov* or 202–521–3600 or visit *https://www.mcc.gov/about/org-unit/advisory-council.*

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of an administrative exceptional circumstance. Given the urgency of the events, the Advisory Council deems it important to meet on the date given.

Thomas G. Hohenthaner,

VP/General Counsel and Corporate Secretary (Acting), Millennium Challenge Corporation.

[FR Doc. 2017–06966 Filed 4–6–17; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2017–036]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed extension request.

SUMMARY: NARA proposes to request an extension from the Office of Management and Budget (OMB) of approval to use the following three information collections. We use the first information collection form to advise requesters of (1) the procedures they should follow to request certified copies of records for use in civil litigation or criminal actions in courts of law, and (2) the information they need to provide us so that we can identify the correct records. Veterans, military dependents, and other authorized people use the second information collection form to request information from, or copies of, documents in military personnel, military medical, and dependent medical records. Genealogical researchers use the National Archives Trust Fund (NATF) forms contained in the third information collection to order records for genealogical research. We invite you to comment on these three proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: We must receive written comments on or before June 6, 2017.

ADDRESSES: Send comments to Paperwork Reduction Act Comments (ID), Room 4400, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, fax them to 301–713–7409, or email them to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Tamee Fechhelm by telephone at 301–837–1694 or fax at 301–713–7409 with requests for additional information or copies of the proposed information collection forms and supporting statements.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collections are necessary for NARA to properly perform its functions; (b) NARA's estimate of the burden of the proposed information collections and its accuracy; (c) ways NARA could enhance the quality, utility, and clarity of the information it collects; (d) ways NARA could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affect small businesses. We will summarize any comments you submit and include the summary in our request for OMB approval. All comments will become a matter of public record. In this notice, we solicit comments concerning the following three information collections:

1. *Title:* Court Order Requirements.

OMB number: 3095–0038.

Agency form number: NA Form 13027.

Type of review: Regular.

Affected public: Military service members, their dependents, veterans, former Federal civilian employees, authorized representatives, state and local governments, and businesses.

Estimated number of annual respondents: 5,000.

Estimated time per response: 15 minutes.

Frequency of response: On occasion (when respondent needs to request information for use in litigation or an action in a court of law).

Estimated total annual burden hours: 1,250 hours.

Abstract: The information collection is prescribed by 36 CFR 1228.164. In accordance with rules issued by the Office of Personnel Management, NARA's National Personnel Records Center (NPRC) administers former Federal civilian employee Official Personnel Folders (OPF) and Employee Medical Folders (EMF). In accordance with rules issued by the Department of Defense and the Department of Transportation (U.S. Coast Guard), NPRC also administers military service records of veterans after discharge,

retirement, and death, and the medical records of these veterans, current members of the Armed Forces, and their dependents. We use the NA Form 13027, Court Order Requirements, to advise requesters of (1) the procedures they should follow to request certified copies of records for use in civil litigation or criminal actions in courts of law, and (2) the information they need to provide us so that we can identify the correct records.

2. *Title:* Forms Relating to Military Service Records.

OMB number: 3095–0039.

Agency form number: NA Forms 13036, 13042, 13055, 13075, and 13177.

Type of review: Regular.

Affected public: Veterans, military dependents, their authorized representatives, state and local governments, and businesses.

Estimated number of respondents: 132,500.

Estimated time per response: 5 minutes.

Frequency of response: On occasion (when respondent wishes to request information from a military personnel, military medical, or dependent medical record).

Estimated total annual burden hours: 11,042 hours.

Abstract: The information collection is prescribed by 36 CFR 1228.164. In accordance with rules issued by the Department of Defense and the Department of Transportation (U.S. Coast Guard), NARA's National Personnel Records Center (NPRC) administers military personnel and medical records of veterans after discharge, retirement, and death. In addition, NRPC administers the medical records of dependents of service personnel. When veterans, dependents, and other authorized individuals request information from, or copies of, documents in military personnel, military medical, and dependent medical records, they must provide on forms or in letters certain information about the veteran and the nature of the request so that we may find the correct records, protect the privacy of the person in the records from unauthorized access, and reconstruct information if needed. We ask requesters who seek medical records of dependents of service personnel and hospitalization records of military personnel to complete NA Form 13042, Request for Information Needed to Locate Medical Records, so that NPRC staff can locate the desired records. Certain types of information contained in military personnel and medical records are restricted from disclosure unless the veteran provides a more specific release authorization than is normally required for other records. In such cases, we ask veterans to complete NA Form 13036, Authorization for Release of Military Medical Patient Records, to authorize release to a third party of a restricted type of information found in the desired record. A major fire at the NPRC on July 12, 1973, destroyed numerous military records. If a person's request involves records or information from records that may have been lost in the fire, we may ask them to complete NA Form 13075, Questionnaire about Military Service, or NA Form 13055, Request for Information Needed to Reconstruct Medical Data, so that NPRC staff can search alternative sources to reconstruct the requested information. Requesters may check the status of a request for clinical or medical treatment records through the online NA Form 13177, Check the Status of a Clinical & Medical & Treatment Records Request. We use the information entered here to identify and track the requests and provide status updates.

3. *Title:* Order Forms for Genealogical Research in the National Archives.

OMB number: 3095–0027.

Agency form numbers: NATF Forms 84, 85, and 86.

Type of review: Regular.

Affected public: Individuals or households.

Estimated number of respondents: 10,318.

Estimated time per response: 10 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 1,720.

Abstract: We use these Nation Archives Trust Fund (NATF) forms to process requests for certain types of genealogical research documents. We need to handle requests for these types of records by order due to the volume of requests we receive for them; otherwise, we would not be able to handle them in a timely way. The forms also allow us to collect specific information from the researcher that we need to search for the records they want. The forms are: NATF 84, National Archives Order for Copies of Land Entry Files; NATF 85, National Archives Order for Copies of Pension or Bounty Land Warrant Applications; and NATF 86, National Archives Order for Copies of Military Service Records. As a convenience, the paper forms allow researchers to provide credit card information to authorize billing and expedited mailing of the copies. Researchers can instead use Order Online! (*http://www.archives.gov/research_room/obtain_copies/military_and_genealogy_order_forms.html*) to complete the forms and order the copies.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2017–06912 Filed 4–6–17; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Proposal Review Panel for the Division of Physics (1208)—ITAMP Site Visit.

Date and Time: April 10, 2017; 8:30 a.m.–5:15 p.m. April 11, 2017; 8:30 a.m.–4:00 p.m.

Place: Harvard-Smithsonian Center of Astrophysics, 60 Garden Street, Cambridge, MA 02138.

Type of Meeting: Part-Open.

Contact Person: Dr. Michael Cavagnero, Program Director for Physics, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Room 1015, Arlington, VA 22230; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

April 10, 2017; 8:30 a.m.–5:15 p.m.

08:30 a.m.–08:45 a.m. Coffee
08:45 a.m.–09:00 a.m. Executive Meeting—CLOSED
09:00 a.m.–10:45 a.m. ITAMP Report and activities
10:45 a.m.–12:15 p.m. Science Presentations
12:15 p.m.–01:45 p.m. Lunch with Post Docs
01:45 p.m.–03:15 p.m. Outreach/Education Future Activities
03:15 p.m.–04:14 p.m. Executive Session—CLOSED
04:15 p.m.–05:15 p.m. Poster Session (Wolbach Library)

April 11, 2017; 8:30 a.m.–4:00 p.m.

08:30 a.m.–09:00 a.m. Coffee
09:00 a.m.–12:00 p.m. Executive Session—CLOSED
12:00 p.m.–01:30 p.m. Executive Session/Lunch—CLOSED
01:30 p.m.–04:00 p.m. Report writing—CLOSED

Reason for Late Notice: Due to unforeseen scheduling complications and the necessity to proceed with the review of the project.

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 4, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–07004 Filed 4–6–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Awards and Facilities, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that its closed meeting scheduled for April 11, 2017 from 11:00 a.m. to 12:00 p.m., *has been cancelled.* The meeting notice originally appeared at 83 FR 15374 (March 28, 2017).

SUPPLEMENTARY INFORMATION: Meeting information and updates (time, place, subject or status of meeting) may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp.* Point of contact for this meeting is: Elise Lipkowitz, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2017–07098 Filed 4–5–17; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Written comments on this notice must be received by May 8, 2017 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

Comments: Comments are invited on (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden 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 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.

For Additional Information or Comments: Comments should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Copies of the submission(s) may be obtained by calling 703–292–7556. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

It is not permissible for NSF to conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title: Survey of Earned Doctorates.

OMB Control Number: 3145–0019.

Summary of Collection: The authority to collect information for the Survey of Earned Doctorates (SED) is established under the National Science Foundation Act of 1950, as amended, Public Law 507 (42 U.S.C. 1862), Section 3(a)(6), which directs the NSF ''. . . to provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formation by other agencies of the federal government.'' More recently, the National Center for Science and Engineering Statistics (NCSES) was established within NSF by Section 505 of the America COMPETES Reauthorization Act of 2010 and given a broader mandate to collect data related to STEM education, the science and engineering workforce, and U.S. competitiveness in science, engineering, technology, and Research and Development. The SED is part of an integrated survey system that fulfills the education and workforce components of this mission.

The SED has been conducted annually since 1958 and is jointly sponsored by four Federal agencies (NSF, National Institutes of Health, U.S. Department of Education, and National Endowment for the Humanities) to avoid duplication of effort in collecting such data. It is an accurate, timely source of information on an important national resource—individuals with research doctorates. Data are obtained via Web survey or paper questionnaire from each person earning a research doctorate at the time they receive the degree. Graduate schools help distribute the SED to their graduating doctorate recipients. Data are collected on the doctorate recipient's field of specialty, educational background, sources of financial support in graduate school, debt level, postgraduation plans for employment, and demographic characteristics.

The survey will be collected in conformance with the National Science Foundation Act of 1950, as amended, and the Privacy Act of 1974. Responses from individuals are voluntary. NSF will ensure that all individually identifiable information collected will be kept strictly confidential and will be used for research or statistical purposes, analyzing data, and preparing scientific reports and articles.

Comment: On 16 September 2016 we published in the **Federal Register** (81 FR 63809) a 60-day notice of our intent to request reinstatement of this information collection authority from OMB. In that notice, we solicited public comments for 60 days ending November 14, 2016. Two comments were received from the public, one of which requested draft materials from the SED information collection request being prepared for OMB and one that expressed support for renewing the SED.

Need and Use of the Information: The Federal government, universities, researchers, and others use the information extensively. NSF, as the lead agency, publishes statistics from the survey in several reports, but

primarily in the annual publication series, ''Doctorate Recipients from U.S. Universities.'' These reports are available on the Web. NSF also uses this information to prepare congressionally mandated reports such as *Science and Engineering Indicators* and *Women, Minorities and Persons with Disabilities in Science and Engineering.*

Description of Respondents: Individuals, recent earned doctorates.

Number of Respondents: 52,650.

Frequency of Responses: Annually.

Total Burden Hours (annual estimate): 29,350.

Dated: April 4, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–07009 Filed 4–6–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Executive Committee, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE AND TIME: Wednesday, April 12, 2017 from 10:00–11:00 a.m. EDT.

SUBJECT MATTER: Committee Chair's opening remarks; approval of Executive Committee minutes and the annual Executive Committee report; and discuss issues and topics for the agendas of the NSB meetings scheduled for May 9–10, 2017.

STATUS: Open.

LOCATION: This meeting will be held by teleconference at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference.

UPDATES AND POINT OF CONTACT: Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information. Meeting information and updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/.* Point of contact for this meeting is: James Hamos, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–8000.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2017–07100 Filed 4–5–17; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027 and 52–028; NRC–2008–0441]

South Carolina Electric & Gas Company; South Carolina Public Service Authority; Virgil C. Summer Nuclear Station, Units 2 and 3; IDS Fuse Isolation Panel Additions

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 63 to Combined Licenses (COL), NPF–93 and NPF–94. The COLs were issued to South Carolina Electric & Gas Company on behalf of itself and the South Carolina Public Service Authority (both hereafter called the licensee); for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, located in Fairfield County, South Carolina.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on March 7, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0441 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–2008–0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated September 28, 2016, as is available in ADAMS under Accession No. ML16272A373.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809; email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment No. 63 to COLs, NPF–93 and NPF–94, to the licensee. The exemption is required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes that would revise the Updated Final Safety Analysis report in the form of departures from the incorporated plant-specific DCD Tier 2 information. The proposed amendment also involves related changes to plant-specific Tier 1 information, with corresponding changes to the associated COL Appendix C information concerning the details of the Class 1E dc and uninterruptible power supply system (IDS), specifically adding seven Class 1E fuse panels to the IDS design. These proposed changes will provide electrical isolation between the non-Class 1E IDS

battery monitors and their respective Class 1E battery banks.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML17046A161.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF–93 and NPF–94). The exemption documents for VCSNS Units 2 and 3 can be found in ADAMS under Accession Nos. ML17046A145 and ML17046A151, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–93 and NPF–94 are available in ADAMS under Accession Nos. ML17046A129 and ML17046A134, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VCSNS Units 2 and Unit 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated September 28, 2016, the licensee requested from the Commission an exemption from the provisions of 10 CFR part 52, appendix D, Section III.B, as part of license amendment request 16–16, ''IDS Fuse Isolation Panel Additions (LAR 16–16).''

For the reasons set forth in Section 3.1, ''Evaluation of Exemption,'' of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML17046A161, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined Licenses as described in the licensee's request dated September 28, 2016. This exemption is related to, and necessary for, the granting of License Amendment No. 63, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, ''Environmental Consideration,'' of the NRC staff's Safety Evaluation (ADAMS Accession No. ML17046A161), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated September 28, 2016, the licensee requested that the NRC amend the COLs for VCSNS, Units 2 and 3, COLs NPF–93 and NPF–94. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on October 25, 2016 (81 FR 73428). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on September 28, 2016. The exemption and amendment were issued on March 7, 2017 as part of a combined package to the licensee (ADAMS Accession No. ML17046A104).

Dated at Rockville, Maryland, this 23rd day of March 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–06991 Filed 4–6–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0110]

An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is re-issuing for public comment draft regulatory guide (DG), DG–1285, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis.'' The guide was initially issued for public comment in 2012 as noticed in the **Federal Register** under NRC Docket number NRC–2012–0110. Subsequently, the NRC decided to incorporate additional information related to evaluation of the defense-in-depth philosophy that was not included in the original publication of DG–1285. This proposed revision of the guide, Revision 3, includes significant expansion of the guidance on the meaning of, and the process for, assessing the defense-in-depth evaluation factors.

DATES: Submit comments by May 22, 2017. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. This

public review and comment period is 45 days. This is shorter than the typical public review and comment period for draft RGs of 60 days because the staff has discussed the defense-in-depth concepts in this RG in numerous public meetings and has addressed multiple comments from the public. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0110. 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.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Anders Gilbertson, Telephone: 301–415–1541, email: *Anders.Gilbertson@nrc.gov,* and Harriet Karagiannis, Telephone: 301–415–2493, email: *Harriet.Karagiannis@nrc.gov.* Both are staff members of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2012–0110 when contacting the NRC about the availability of information regarding this action. You may obtain publically-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–2012–0110.

• *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 DG is electronically available in ADAMS under Accession No. ML16358A153.

• *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–2012–0110 in your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

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 enters 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. Additional Information

The NRC is issuing for public comment a DG 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 NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' is a proposed revision temporarily identified by its task number, DG–1285. Draft Guide 1285 is proposed revision 3 of RG 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis.''

This revision proposes revised guidance that uses precise language to assure that the defense-in-depth philosophy is interpreted and implemented consistently, as directed by the Commission in SRM–SECY–11–0014, ''Staff Requirements—SECY–11–0014—Use of Containment Accident Pressure in Analyzing Emergency Core Cooling System and Containment Heat Removal System Pump Performance in Postulated Accidents'' (see ADAMS under Accession No. ML110740254). Significant changes in this proposed revision include expansion of the guidance on the meaning of, and the process for, assessing the defense-in-depth evaluation factors.

Other changes include the introduction of language for new reactors related to the transitioning from large release frequency and conditional containment failure probability to large early release frequency after fuel loading; introduction of language related to containment performance expectations for new reactors; clarifications related to guidance on the treatment of uncertainty, combining risk results, and the nature of the acceptance guideline boundaries; incorporation of language on defense-in-depth from other NRC guidance documents; and changes to conform to the latest NRC staff program guidance for draft guides.

In addition, the terms ''PRA quality'' and ''technical adequacy'' were replaced with the term ''PRA acceptability.'' The NRC is specifically requesting comment on this terminology changes to ensure the revised terms are clearly understood by the users of the guidance.

The NRC staff conducted four public meetings to solicit public feedback on DG–1285, Revision 3, and keep the public informed regarding the proposed changes regarding defense-in-depth guidance as it was being developed. These public meetings were held on May 2, May 23, July 7, and September 1, and the summaries are available in ADAMS under Accession Nos. ML16148A758, ML16169A343, ML16215A455, and ML162565A448, respectively. Draft versions of the revised guidance on defense-in-depth were made publicly available on May 19, June 20, and July 27, and are available in ADAMS under accession numbers ML16265A451, ML16172A343, and ML16209A221, respectively.

The NRC is issuing for public comment the revised DG–1285 for the reasons mentioned above. Comments received from the public review and

comment period in 2012 were addressed as part of developing this proposed revision of DG–1285. Documentation of the NRC's resolution of public comments on DG–1285 from 2012 are available in ADAMS under Accession No. ML16348A180.

III. Backfitting and Issue Finality

Draft guide 1285 describes an approach that the NRC staff considers acceptable for applications for licensing basis changes by considering engineering issues and applying risk insights at light-water reactors. Issuance of this DG, if finalized, would not constitute backfitting as defined in section 50.109 of title 10 of the Code of Federal Regulations (10 CFR) (the Backfit Rule) and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this DG, the NRC has no current intention to impose this guidance, if finalized, on holders of current operating licenses or combined licenses.

This DG may be applied to applications for amendments to operating licenses or combined licenses 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 3rd day of April 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. 2017–06939 Filed 4–6–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–2017–0065]

Information Collection: NRC Form 5, Occupational Dose Record for a Monitoring Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC Form 5, ''Occupational Dose Record for a Monitoring Period.''

DATES: Submit comments by June 6, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0065. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0065 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–2017–0065.
- *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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML17090A545. The supporting statement and Occupational Dose Record for a Monitoring Period is available in ADAMS under Accession No. ML16357A680.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2017–0065 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and 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 into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 5, ''Occupational Dose Record for a Monitoring Period.''

2. *OMB approval number:* 3150–0006.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 5.

5. *How often the collection is required or requested:* Annually.

6. *Who will be required or asked to respond:* NRC licensees who are required to comply with part 20 of title 10 of the *Code of Federal Regulations* (10 CFR).

7. *The estimated number of annual responses:* 4,339 (198 reporting responses plus 4,141 record keepers).

8. *The estimated number of annual respondents:* 4,141 respondents (99 reactors plus 4,042 materials licensees).

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 125,383 hours (5,940 hours reporting plus 119,443 hours recordkeeping).

10. *Abstract:* NRC Form 5 is used to record and report the results of individual monitoring for occupational radiation exposure during a monitoring period (one calendar year) to ensure regulatory compliance with annual radiation dose limits specified in 10 CFR 20.1201.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 3rd day of April 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–06941 Filed 4–6–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027 and 52–028; NRC–2008–0441]

South Carolina Electric & Gas Company; South Carolina Public Service Authority; Virgil C. Summer Nuclear Station, Units 2 and 3; Automatic Depressurization System Stage 2, 3 & 4, Valve Flow Area Changes and Clarifications

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 64 to Combined Licenses (COLs), NPF–93 and NPF–94. The COLs were issued to South Carolina Electric & Gas Company and the South Carolina Public Service Authority, (both collectively referred to as the licensee) for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, located in Fairfield County, South Carolina.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on March 17, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0441 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–2008–0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated September 2, 2016, and it is available in ADAMS under Accession No. ML16246A214.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Ruth C. Reyes, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3249; email: *Ruth.Reyes@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment No. 64 to COLs, NPF–93 and NPF–94, to the licensee. The exemption is required by paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' of appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes that would allow changes in appendix C of the COLs to clarify the flow area for the automatic depressurization system (ADS) fourth stage squib valves and to reduce the minimum effective flow area for the second and third stage ADS control valves.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, and 52.7, and Section VIII.A.4 of appendix D to 10 CFR part

52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML17039B058.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF–93 and NPF–94). The exemption documents for VCSNS Units 2 and 3 can be found in ADAMS under Accession Nos. ML17039B030 and ML17039B041, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–93 and NPF–94 are available in ADAMS under Accession Nos. ML17039B015 and ML17039B024, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VCSNS Units 2 and Unit 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated September 2, 2016, the licensee requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D, as part of LAR 16–08, ''ADS Stage 2, 3, and 4 Valve Flow Area Changes and Clarifications.''

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML17039B058, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined Licenses as described in the licensee's request dated September 2, 2016. This exemption is related to, and necessary for, the granting of License Amendment No. 64, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML17039B058), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated September 2, 2016 (ADAMS Accession No. ML16246A214), the licensee requested that the NRC amend the COLs for VCSNS, Units 2 and 3, COLs NPF–93 and NPF–94. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on December 20, 2016 (81 FR 92863). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on September 2, 2016. The exemption and amendment were issued on March 17, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML17039A995).

Dated at Rockville, Maryland, this 24th day of March 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–06992 Filed 4–6–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

International Product Change—Global Expedited Package Services—Non-Published Rates

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add Global Expedited Package Services—Non-Published Rates 12 (GEPS–NPR 12) to the Competitive Products List.

DATES: *Effective date:* April 7, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, 202–268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642, on March 31, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to add Global Expedited Package Services—Non-Published Rates 12 (GEPS–NPR 12) to the Competitive Products List,* and *Notice of Filing GEPS–NPR 12 Model Contract and Application for Non-Public Treatment of Materials Filed Under Seal.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–105 and CP2017–152.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–06915 Filed 4–6–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80363; File No. SR–NYSEArca–2017–13]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Schedule of Fees and Charges

April 3, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934

[1] 15 U.S.C. 78s(b)(1).

(''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 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, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's ''Schedule of Fees and Charges'' to add new Commentary .6 relating to waiver of the Annual Fee for an issuer that transfers its listing of securities to the Exchange from another national securities exchange, effective March 20, 2017. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Exchange's Schedule of Fees and Charges (''Schedule'') to add new Commentary .6 relating to waiver of the Annual Fee for an issuer that transfers the listing of its securities to the Exchange from another national securities exchange, effective March 20, 2017, as described below.

Currently, note 8 to the Schedule provides that issues are subject to Annual Fees in the year of listing, pro-rated based on days listed that calendar year. Thus, if an issuer transfers its listing from another national securities exchange to the Exchange, the issuer is billed for a pro-rated amount of the Annual Fee in the year of listing.

The Exchange proposes to add Commentery [sic] .6 to the Schedule to provide that an issuer that transfers the listing of its securities from another national securities exchange would not be subject to the Annual Fee for the remainder of the calendar year following the date of listing on the Exchange.

The proposed waiver of the Annual Fee would apply as of March 20, 2017 and would not apply retroactively to transfers prior to such date.

The Exchange believes that waiver of the Annual Fees in the circumstances described above is appropriate because issuers incur substantial legal and administrative costs in connection with delisting from one exchange and listing on another. Waiver of Annual Fees during the time frame specified above would partially offset such transfer costs. In addition, the proposed waiver would apply to all issuers of securities that transfer listing to the Exchange. Therefore, the Exchange believes there would be no unfair discrimination against issuers of securities listed on the Exchange.

The Exchange notes that the market for listings is extremely competitive. Each listing exchange has a different fee schedule that applies to issuers seeking to list securities on its exchange. Issuers have the option to list their securities on these alternative venues based on the fees charged and the value provided by each listing. An issuer may have previously incurred listing and/or annual fees in connection with listing on another exchange. Therefore, such issuer may incur multiple listing and/or annual fees in the same year in connection with a listing transfer, which may operate as a disincentive to transferring to an exchange that the issuer determines is preferable based on the issuer's assessment of the exchange's services, value and market quality.

Notwithstanding the waiver of the Annual Fee, as described above, the Exchange will continue to be able to fund its regulatory obligations.

2. Statutory Basis

NYSE Arca believes that the proposal is consistent with Section 6(b)[4] of the Act, in general, and Section 6(b)(4)[5] of the Act in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its issuers and other persons using its facilities. In addition, the Exchange believes the proposal is consistent with the requirement under Section 6(b)(5)[6] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposal represents an equitable allocation of fees and is not unfairly discriminatory because the proposed amendment would enable all issuers transferring from any other national securities exchange to benefit from the same waiver with respect to Annual Fees for a specified time period. The proposed waiver would apply to all issuers of securities that transfer listings to the Exchange. Therefore, the Exchange believes there would be no unfair discrimination against issuers of securities transferring listings to the Exchange.

In addition, the Exchange believes that the proposed waiver is not unfairly discriminatory with respect to issuers that are already listed on the Exchange because issuers transferring from other markets may already have paid listing and/or annual fees at their predecessor market and may incur multiple listing and/or annual fees in the same year in connection with a listing transfer, which may operate as a disincentive to transferring a listing to an exchange that the issuer determines is preferable based on the issuer's assessment of an exchange's services, value and market quality. Due to the very limited anticipated loss of revenue associated with the proposed waiver, the Exchange does not expect the proposed fee waiver to affect its ability to devote the same level of resources to its oversight of its listed issues that benefit from the waiver as it does for other issuers or, more generally, impact its resource commitment to its regulatory oversight of the listing process or its regulatory programs.

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The proposed rule change is designed to enable all issuers of securities that transfer listing from any other national securities exchange to benefit from the same waiver with respect to Annual Fees for a specified time period. Issuers have the option to list their securities on alternative venues based on the fees charged and the value provided by such venue. Because issuers have a choice to list their securities on a different national securities exchange, the Exchange does not believe that the proposed fee change imposes a burden on competition. In addition, the waiver of Annual Fees as described herein would apply equally to all issuers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[7] of the Act and subparagraph (f)(2) of Rule 19b–4[8] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[9] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–13 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–2017–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–13 and should be submitted on or before April 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06910 Filed 4–6–17; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

[9] 15 U.S.C. 78s(b)(2)(B).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32589; 812–14436–01]

Olden Lane Securities LLC and Olden Lane Trust

April 3, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under (a) section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 2(a)(35), 14(a), 19(b), 22(d) and 26(a)(2)(C) of the Act and rules 19b–1 and rule 22c–1 thereunder and (b) sections 11(a) and 11(c) of the Act for approval of certain exchange and rollover privileges.

APPLICANTS: Olden Lane Securities LLC (''Olden Lane'') and Olden Lane Trust.[1]

SUMMARY OF APPLICATION: Applicants request an order to permit certain unit investment trusts (''UIT'') to: (a) Impose sales charges on a deferred basis and waive the deferred sales charge in certain cases; (b) offer unitholders certain exchange and rollover options; (c) publicly offer units without requiring the Depositor to take for its own account $100,000 worth of units; and (d) distribute capital gains resulting from the sale of portfolio securities within a reasonable time after receipt.

FILING DATES: The application was filed on April 25, 2015, and amended on December 9, 2016, and March 10, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 28, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the

[1] Applicants also request relief for future unit investment trusts (collectively, with Olden Lane Trust, the ''Trusts'') and series of the Trusts (''Series'') that are sponsored by Olden Lane or any entity controlling, controlled by or under common control with Olden Lane (together with Olden Lane, the ''Depositors''). Any future Trust and Series that relies on the requested order will comply with the terms and conditions of the application. All existing entities that currently intend to rely on the requested order are named as applicants.

request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, 200 Forrestal Road, Suite 3B, Princeton, NJ 08540.

FOR FURTHER INFORMATION CONTACT: Jill Ehrlich, Senior Counsel, at (202) 551–6819, or Robert Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Olden Lane Trust is a UIT that is registered under the Act. Any future Trust will be a registered UIT. Olden Lane, a Delaware limited liability company, is registered under the Securities Exchange Act of 1934 as a broker-dealer and is the Depositor of Olden Lane Trust. Each Series will be created by a supplement to a master trust agreement between the Depositor and a banking institution or trust company as trustee.

2. The Depositor acquires a portfolio of securities, which it deposits with the series custodian (''Series Custodian'') in exchange for certificates representing units of fractional undivided interest in the Series' portfolio (''Units''). The Units are offered to the public through the Depositor and dealers at a price which, during the initial offering period, is based upon the aggregate market value of the underlying portfolio, or, the aggregate offering side evaluation of the underlying securities if the underlying securities are not listed on a securities exchange, plus a front-end sales charge, a deferred sales charge or both. The maximum sales charge may be reduced in compliance with rule 22d–1 under the Act in certain circumstances, which are disclosed in the Series' prospectus.

3. The Depositor may, but is not legally obligated to, maintain a secondary market for Units of an outstanding Series. Other broker-dealers may or may not maintain a secondary market for Units of a Series. If a secondary market is maintained, investors will be able to purchase Units on the secondary market at the current public offering price plus a front-end sales charge. If such a market is not maintained at any time for any Series, holders of the Units (''Unitholders'') of that Series may redeem their Units through the Series Custodian.

A. Deferred Sales Charge and Waiver of Deferred Sales Charge Under Certain Circumstances

1. Applicants request an order to the extent necessary to permit one or more Series to impose a sales charge on a deferred basis (''DSC''). For each Series, the Depositor would set a maximum sales charge per Unit, a portion of which may be collected ''up front'' (*i.e.,* at the time an investor purchases the Units). The DSC would be collected subsequently in installments (''Installment Payments'') as described in the application. The Depositor would not add any amount for interest or any similar or related charge to adjust for such deferral.

2. When a Unitholder redeems or sells Units, the Depositor intends to deduct any unpaid DSC from the redemption or sale proceeds. When calculating the amount due, the Depositor will assume that Units on which the DSC has been paid in full are redeemed or sold first. With respect to Units on which the DSC has not been paid in full, the Depositor will assume that the Units held for the longest time are redeemed or sold first. Applicants represent that the DSC collected at the time of redemption or sale, together with the Installment Payments and any amount collected up front, will not exceed the maximum sales charge per Unit. Under certain circumstances, the Depositor may waive the collection of any unpaid DSC in connection with redemptions or sales of Units. These circumstances will be disclosed in the prospectus for the relevant Series and implemented in accordance with rule 22d–1 under the Act.

3. Each Series offering Units subject to a DSC will state the maximum charge per Unit in its prospectus. In addition, the prospectus for such Series will include the table required by Form N–1A (modified as appropriate to reflect the difference between UITs and open-end management investment companies) and a schedule setting forth the number and date of each Installment Payment, along with the duration of the collection period. The prospectus also will disclose that portfolio securities may be sold to pay the DSC if distribution income is insufficient and that securities will be sold pro rata, if practicable, otherwise a specific security will be designated for sale.

B. Exchange Option and Rollover Option

1. Applicants request an order to the extent necessary to permit Unitholders of a Series to exchange their Units for Units of another Series (''Exchange Option'') and Unitholders of a Series that is terminating to exchange their Units for Units of a new Series of the same type (''Rollover Option''). The Exchange Option and Rollover Option would apply to all exchanges of Units sold with a front-end sales charge, a DSC or both.

2. A Unitholder who purchases Units under the Exchange Option or Rollover Option would pay a lower sales charge than that which would be paid for the Units by a new investor. The reduced sales charge will be reasonably related to the expenses incurred in connection with the administration of the DSC program, which may include an amount that will fairly and adequately compensate the Depositor and participating underwriters and brokers for their services in providing the DSC program.

Applicants' Legal Analysis

A. DSC and Waiver of DSC

1. Section 4(2) of the Act defines a ''unit investment trust'' as an investment company that issues only redeemable securities. Section 2(a)(32) of the Act defines a ''redeemable security'' as a security that, upon its presentation to the issuer, entitles the holder to receive approximately his or her proportionate share of the issuer's current net assets or the cash equivalent of those assets. Rule 22c–1 under the Act requires that the price of a redeemable security issued by a registered investment company for purposes of sale, redemption or repurchase be based on the security's current net asset value (''NAV''). Because the collection of any unpaid DSC may cause a redeeming Unitholder to receive an amount less than the NAV of the redeemed Units, applicants request relief from section 2(a)(32) and rule 22c–1.

2. Section 22(d) of the Act and rule 22d–1 under the Act require a registered investment company and its principal underwriter and dealers to sell securities only at the current public offering price described in the investment company's prospectus, with the exception of sales of redeemable securities at prices that reflect scheduled variations in the sales load. Section 2(a)(35) of the Act defines the term ''sales load'' as the difference between the sales price and the portion of the proceeds invested by the

depositor or trustee. Applicants request relief from section 2(a)(35) and section 22(d) to permit waivers, deferrals or other scheduled variations of the sales load.

3. Under section 6(c) of the Act, the Commission may exempt classes of transactions, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that their proposal meets the standards of section 6(c). Applicants state that the provisions of section 22(d) are intended to prevent (a) riskless trading in investment company securities due to backward pricing, (b) disruption of orderly distribution by dealers selling shares at a discount, and (c) discrimination among investors resulting from different prices charged to different investors. Applicants assert that the proposed DSC program will present none of these abuses. Applicants further state that all scheduled variations in the sales load will be disclosed in the prospectus of each Series and applied uniformly to all investors, and that applicants will comply with all the conditions set forth in rule 22d–1.

4. Section 26(a)(2)(C) of the Act, in relevant part, prohibits a trustee or custodian of a UIT from collecting from the trust as an expense any payment to the trust's depositor or principal underwriter. Because the Series Custodian's payment of the DSC to the Depositor may be deemed to be an expense under section 26(a)(2)(C), applicants request relief under section 6(c) from section 26(a)(2)(C) to the extent necessary to permit the Series Custodian to collect Installment Payments and disburse them to the Depositor. Applicants submit that the relief is appropriate because the DSC is more properly characterized as a sales load.

B. Exchange Option and Rollover Option

1. Sections 11(a) and 11(c) of the Act prohibit any offer of exchange by a UIT for the securities of another investment company unless the terms of the offer have been approved in advance by the Commission. Applicants request an order under sections 11(a) and 11(c) for Commission approval of the Exchange Option and the Rollover Option.

C. Net Worth Requirement

1. Section 14(a) of the Act requires that a registered investment company have $100,000 of net worth prior to making a public offering. Applicants state that each Series will comply with this requirement because the Depositor will deposit more than $100,000 of securities. Applicants assert, however, that the Commission has interpreted section 14(a) as requiring that the initial capital investment in an investment company be made without any intention to dispose of the investment. Applicants state that, under this interpretation, a Series would not satisfy section 14(a) because of the Depositor's intention to sell all the Units of the Series.

2. Rule 14a–3 under the Act exempts UITs from section 14(a) if certain conditions are met, one of which is that the UIT invest only in ''eligible trust securities,'' as defined in the rule. Applicants state that they may not rely on rule 14a–3 because certain Series (collectively, ''Structured Series'') will invest all or a portion of their assets in equity securities, debt securities, shares of registered investment companies, Flexible Exchange® Options (''FLEX Options''),[2] or other assets which do not satisfy the definition of eligible trust securities.

3. Applicants request an exemption under section 6(c) of the Act to the extent necessary to exempt the Structured Series from the net worth requirement in section 14(a). Applicants state that the Series and the Depositor will comply in all respects with the requirements of rule 14a–3, except that the Structured Series will not restrict their portfolio investments to ''eligible trust securities.''

D. Capital Gains Distribution

1. Section 19(b) of the Act and rule 19b–1 under the Act provide that, except under limited circumstances, no registered investment company may distribute long-term gains more than once every twelve months. Rule 19b–1(c), under certain circumstances, exempts a UIT investing in eligible trust securities (as defined in rule 14a–3) from the requirements of rule 19b–1. Because the Structured Series do not limit their investments to eligible trust securities, however, the Structured Series will not qualify for the exemption in paragraph (c) of rule 19b–1. Applicants therefore request an exemption under section 6(c) from section 19(b) and rule 19b–1 to the extent necessary to permit capital gains earned in connection with the sale of portfolio securities to be distributed to Unitholders along with the Structured Series' regular distributions. In all other respects, applicants will comply with section 19(b) and rule 19b–1.

2. Applicants state that their proposal meets the standards of section 6(c). Applicants assert that any sale of portfolio securities would be triggered by the need to meet Trust expenses, Installment Payments, or by redemption requests, events over which the Depositor and the Structured Series do not have control. Applicants further state that, because principal distributions must be clearly indicated in accompanying reports to Unitholders as a return of principal and will be relatively small in comparison to normal dividend distributions, there is little danger of confusion from failure to differentiate among distributions.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

A. DSC Relief and Exchange and Rollover Options

1. Whenever the Exchange Option or Rollover Option is to be terminated or its terms are to be amended materially, any holder of a security subject to that privilege will be given prominent notice of the impending termination or amendment at least 60 days prior to the date of termination or the effective date of the amendment, provided that: (a) No such notice need be given if the only material effect of an amendment is to reduce or eliminate the sales charge payable at the time of an exchange, to add one or more new Series eligible for the Exchange Option or the Rollover Option, or to delete a Series which has terminated; and (b) no notice need be given if, under extraordinary circumstances, either (i) there is a suspension of the redemption of Units of the Series under section 22(e) of the Act and the rules and regulations promulgated thereunder, or (ii) a Series temporarily delays or ceases the sale of its Units because it is unable to invest amounts effectively in accordance with applicable investment objectives, policies and restrictions.

2. An investor who purchases Units under the Exchange Option or Rollover Option will pay a lower sales charge than that which would be paid for the Units by a new investor.

3. The prospectus of each Series offering exchanges or rollovers and any sales literature or advertising that mentions the existence of the Exchange Option or Rollover Option will disclose that the Exchange Option and the

[2] Applicants state that a Structured Series will invest in FLEX Options with expiration dates that coincide with the Structured Series' maturity date and any relief granted from the provisions of sections 14(a) and 19(b) of the Act and rule 19b–1 under the Act included in the Order will not extend to any Series that intends to hold a derivative security other than FLEX Options.

Rollover Option are subject to modification, termination or suspension without notice, except in certain limited cases.

4. Any DSC imposed on a Series' Units will comply with the requirements of subparagraphs (1), (2) and (3) of rule 6c–10(a) under the Act.

5. Each Series offering Units subject to a DSC will include in its prospectus the disclosure required by Form N–1A relating to deferred sales charges (modified as appropriate to reflect the differences between UITs and open-end management investment companies) and a schedule setting forth the number and date of each Installment Payment.

B. Net Worth Requirement

Applicants will comply in all respects with the requirements of rule 14a–3 under the Act, except that the Structured Series will not restrict their portfolio investments to ''eligible trust securities.''

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06908 Filed 4–6–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80362; File No. SR–ISEMercury–2017–06]

Self-Regulatory Organizations; ISE Mercury, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to ''Tick-Worse'' Functionality

April 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 28, 2017, ISE Mercury, LLC (''ISE Mercury'' 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 (i) request the decommission of ''Tick-Worse'' functionality and (ii) amend Rule 713 (Priority of Quotes and Orders) relating to the priority of split price transactions.

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to (i) decommission the ''Tick-Worse'' functionality and (ii) amend Rule 713 (Priority of Quotes and Orders) as it relates to the priority of split price transactions. The proposed changes are discussed below.

''Tick-Worse'' Functionality

The Exchange currently provides market makers [3] with Tick-Worse functionality, which allows market makers to pre-define the prices and sizes at which the system will automatically move their quotation following an execution that exhausts the size of their existing quotation.[4] As such, when a market maker's quote is traded out, it can be automatically reinstated into the Exchange's order book at the next best price.[5] This optional feature is intended to help market makers meet their continuous quoting obligations under the Exchange's rules [6] when their displayed quotations are exhausted. When a market maker's quote is traded out and automatically reinstated into the Exchange's order book using the Tick-Worse functionality, the reinstated quote will be given priority pursuant to the Exchange's split price priority rule as discussed below.

Due to the lack of demand for the Tick-Worse feature, the Exchange proposes to decommission the use of this functionality as it migrates symbols to INET no later than in 2017 Q3.[7] As discussed above, the Exchange offers the Tick-Worse feature as a voluntary tool for market makers to assist them in meeting their continuous quoting obligations under the Exchange's rules. As such, market makers are not required to use the Exchange-provided functionality and can program their own systems to perform the same functions if they prefer. The Exchange has found that almost all market makers use their own systems rather than the Exchange's Tick-Worse feature to send refreshed quotations when their displayed quotations are exhausted, and therefore members have discontinued use of this functionality. Because the Tick-Worse functionality is currently not memorialized in the Exchange's rules as noted above, there is no text of the proposed rule change. The Exchange will provide advance notice to its Members through an Options Trader Alert of the intent to decommission the Tick-Worse functionality.[8]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''market makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Rule 100(a)(25).

[4] Tick-Worse functionality is not currently memorialized in the Exchange's rulebook. In addition, the Exchange will not offer Tick-Worse on the new Nasdaq INET system going forward. On September 30, 2004, International Securities Exchange, LLC (''ISE'') filed with the Commission a proposal to codify this functionality in its rulebook, but inadvertently deleted the rule as obsolete rule text in a subsequent proposal filed on December 21, 2012. *See* Securities Exchange Act Release No. 51050 (January 18, 2005), 70 FR 3758 (January 26, 2005) (SR–ISE–2004–31); Securities Exchange Act Release No. 68570 (January 3, 2013), 78 FR 1901 (January 9, 2013) (SR–ISE–2012–82). The Exchange imported Rule 713 from ISE's rulebook when the Commission granted the Exchange's application for registration as a national securities exchange, which was after the Tick-Worse functionality rule was inadvertently removed from ISE's rules. *See* Securities Exchange Act Release No. 76998 (January 29, 2016), 81 FR 6066 (February 4, 2016) (Order Granting Registration as a National Securities Exchange).

[5] Market makers may choose to set Tick-Worse parameters by specifying how many price ticks back, and for what size, the quote is to be reinstated.

[6] Specifically, Primary Market Makers (''PMMs'') are required under Rule 804(e)(1) to enter quotations in all of the series listed on the Exchange of the options classes to which they are appointed on a daily basis. Supplementary Material .01 to Rule 804 further requires PMMs to quote 90% of the time their assigned options class is open for trading on the Exchange. As provided in Rule 804(e)(2), Competitive Market Makers (''CMMs'') are not required to enter quotations in the options class to which they are appointed, but in the event a CMM does initiate quoting, such CMM is generally required to quote 60% of the time its assigned options class is open for trading on the Exchange.

[7] Currently, this functionality is being used by one market maker on the Exchange.

[8] The Exchange notes that it similarly decommissioned Tick-Worse on ISE Gemini, LLC

Continued

Split Price Priority

The Exchange is proposing to delete Rule 713(f), which relates to the priority of split price transactions, because this priority rule currently only applies in the context of the Tick-Worse functionality, as described above, which the Exchange proposes to decommission. The Exchange proposes to delete this rule no later than 2017 Q3, along with the decommissioning of the Tick-Worse functionality.

Rule 713(f) provides that if a Member purchases (sells) one (1) or more options contracts of a particular series at a particular price, it shall at the next lower (higher) price at which there are Professional Orders or market maker quotes, have priority over such Professional Orders and market maker quotes in purchasing (selling) up to the equivalent number of options contracts of the same series that it purchased (sold) at the higher (lower) price, but only if the purchase (sale) so effected represents the opposite side of a transaction with the same offer (bid) as the earlier purchase (sale). Although the language of Rule 713(f) is more general, the Exchange's intent was to apply split price priority solely to the Tick-Worse functionality.

Example

—Primary Market Maker has opted into tick worse functionality and selected to tick worse and post 10 contracts at a penny worse than their original quote
—Primary Market Maker quote for 10 contracts bid at $1.00 and 10 contracts offered at $1.02
—Additionally, there is a Priority Customer order to buy 5 contracts at $0.99, and a Competitive Market Maker quote for 10 contracts bid at $0.99 and 10 contracts offered at $1.02
—A member enters a sell order for 20 contracts at $0.99
—This order will trade as follows:
—10 contracts trade at $1.00 with the Primary Market Maker bid quote, and Primary Market Maker is ticked worse to 10 contracts bid at $0.99
—5 contracts trade at $0.99 with the Priority Customer order due to customer priority
—5 contracts trade at $0.99 with the Primary Market Maker's ticked worse quote due to the split price priority rule; 0 contracts trade with the Competitive Market Maker bid quote

The Exchange represents that Tick-Worse has historically only ever applied in the context of the split price priority rule in Rule 713(f). Furthermore, the Exchange has historically only ever awarded priority pursuant to Rule 713(f) for split price transactions that occur in the Tick-Worse functionality, and the existing rule should have been clarified to more accurately reflect its current application. Nonetheless, the Exchange is now proposing to delete the rule text in its entirety along with decommissioning the Tick-Worse functionality, as proposed above.

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.

''Tick-Worse'' Functionality

As noted above, the Exchange originally offered Tick-Worse as an optional feature to help market makers meet their continuous quoting obligations under the Exchange's rules. The Exchange believes that its proposal is consistent with the Act because it has found that the Tick-Worse feature is rarely used today[11] as almost all market makers use their own systems to send refreshed quotations when their displayed quotations are exhausted. The Exchange therefore believes that it is consistent with the Act to propose to discontinue use of this functionality prior to the migration to INET. Because one member continues to utilize the functionality, the Exchange believes that providing advance notice of the intent to decommission this functionality will serve to prepare Members as to the upcoming change with INET. As such, the Exchange believes that decommissioning Tick-Worse prior to the migration to INET and providing advance notice to its members is consistent with the Act because it eliminates any investor uncertainty related to the status of this functionality.

Split Price Priority

The Exchange also believes that its proposal to delete the split price priority rule in Rule 713(f) protects investors and the public interest because it removes rule text that will become obsolete with the decommission of the Tick-Worse functionality. As described above, the split price priority rule only applies to the Tick-Worse functionality. Because the Rule is more general than its current, specific application, however, the Exchange believes that the continued presence of Rule 713(f) in its rules even after retiring the Tick-Worse functionality will be confusing to its members and investors. By removing obsolete rule text that only applies in the context of Tick-Worse, the Exchange is eliminating any potential for confusion about how its systems operate.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to have any competitive impact but rather request the decommission of a rarely-used functionality on the Exchange and relatedly, to remove the rule text that this functionality supports from the Exchange's rulebook, thereby reducing investor confusion and making the Exchange's rules easier to understand and navigate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

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

on February 21, 2017. *See* Market Information Circular 2017–10.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] It is only being used by one market maker.

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 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.

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–ISEMercury–2017–06 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–ISEMercury–2017–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISEMercury–2017–06 and should be submitted on or before April 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06909 Filed 4–6–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80361; File No. SR–FICC–2017–803]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Advance Notice To Establish the Centrally Cleared Institutional Triparty Service and Make Other Changes

April 3, 2017.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'')[1] and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934 (''Act''),[2] notice is hereby given that on March 9, 2017, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the advance notice SR–FICC–2017–803 (''Advance Notice'') as described in Items I, II and III below, which Items have been prepared by the clearing agency.[3] The Commission is publishing this notice to solicit comments on the Advance Notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This Advance Notice consists of amendments to the Government Securities Division (''GSD'') Rulebook (''GSD Rules'')[4] that would (i) establish the ''Centrally Cleared Institutional Triparty Service'' or the ''CCIT™ Service''[5] and thereby make central clearing available to the institutional triparty repurchase agreement (''repo'') market[6] and (ii) make other amendments and clarifications to the GSD Rules, as described below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the Advance Notice and discussed any comments it received on the Advance Notice. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A and B below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants, or Others

Written comments relating to this proposal have not been solicited or received. FICC will notify the Commission of any written comments received by FICC.

(B) Advance Notice Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Nature of the Proposed Change

The proposed rule change would, among other things, make central clearing available to the institutional triparty repo market through the proposed CCIT Service.

The proposed CCIT Service would allow the submission of tri-party repo transactions in GCF Repo®[7] Securities between Netting Members that participate in the GCF Repo Service[8] and institutional counterparties (other than investment companies registered under the Investment Company Act of 1940, as amended[9] (''RICs'')), where the institutional counterparties are the cash lenders in the transactions submitted to GSD. The proposed CCIT Service would create a new GSD limited service

[14] 17 CFR 200.30–3(a)(12).

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] On March 9, 2017, FICC filed this Advance Notice as a proposed rule change (SR–FICC–2017–005) with the Commission pursuant to Section 19(b)(1) of the Act, 15 U.S.C. 78s(b)(1), and Rule 19b–4, 17 CFR 240.19b–4. A copy of the proposed rule change is *available at http://www.dtcc.com/legal/sec-rule-filings.aspx.*

[4] Capitalized terms not defined herein are defined in the GSD Rules, *available at http://www.dtcc.com/legal/rules-and-procedures.*

[5] CCIT is a trademark of The Depository Trust & Clearing Corporation. Pursuant to this filing, ''Centrally Cleared Institutional Triparty Service'' or ''CCIT Service'' would be defined as ''the service offered by the Corporation to clear institutional triparty repurchase agreement transactions, as more fully described in Rule 3B.'' Proposed GSD Rule 1, Definitions.

[6] The proposed rule changes with respect to the establishment of the proposed CCIT Service are reflected in proposed GSD Rule 3B, and conforming changes are proposed to GSD Rules 1, 2, 2A (Section 2), 4 (Sections 1a and 7), 5, 22C, 24, 30 and 49.

[7] GCF Repo is a registered trademark of FICC.

[8] Pursuant to this filing, ''GCF Repo Service'' would be defined as ''the service offered by the Corporation to compare, net and settle GCF Repo Transactions.'' Proposed GSD Rule 1, Definitions.

[9] 15 U.S.C. 80a–1 *et seq.*

membership type for such institutional cash lenders, each referred to as a ''Centrally Cleared Institutional Triparty Member'' or ''CCIT Member.'' [10]

This filing also contains proposed rule changes that are not related to the proposed CCIT Service that provide specificity, clarity and additional transparency to the GSD Rules.

(i) Background on the Proposed CCIT Service

FICC believes that the tri-party repo market is critical to the stability of the U.S. financial system. The tri-party repo market creates market liquidity and price transparency for U.S. government and corporate securities, is interconnected with other payment clearing and settlement services that are central to the U.S. financial market, and serves as a critical source of funding for systemically important broker-dealers that make markets in U.S. government and corporate obligations.[11] At its peak in 2008, about $2.8 trillion of securities were funded by tri-party repos.[12] Volumes shrank to $1.6 trillion in the second half of the recent financial crisis and have been relatively steady around that level since then.[13] Nonetheless, FICC believes the tri-party repo market remains a critical source of funding for broker-dealers and an important cash management tool for institutional counterparties.

In response to the 2008 financial crisis, regulators asked tri-party repo market participants to identify ways to reduce reliance on intraday credit, make risk management practices more robust to a broad range of events, and take steps to reduce the risk that a dealer's default could prompt destabilizing fire sales [14] of its collateral by its lenders, with the goal of enhancing the tri-party repo market's ability to navigate stressed market conditions by implementing solutions that help mitigate risk and better safeguard the U.S. financial market.

Currently, FICC provides central clearing to a portion of the tri-party repo market. Specifically, GSD's GCF Repo Service provides central clearing to sell-side entities, such as dealers that enter into tri-party repo transactions in GCF Repo Securities with each other.[15] There is currently no U.S. clearing organization that novates tri-party repos between sell-side firms and institutional counterparties.

FICC believes that central clearing of eligible tri-party repo transactions between GSD Netting Members and institutional counterparties through the proposed CCIT Service would help to safeguard the tri-party repo market in a number of ways. For example, the proposed CCIT Service would permit institutional firms that are eligible to participate in FICC as CCIT Members to benefit from FICC's guaranty of completion of settlement of their eligible tri-party repo transactions with Netting Members. FICC believes this would mitigate the risk of a large-scale exit by these institutional firms from the U.S. financial market in a stress scenario and therefore lower the risk of a liquidity drain in such a scenario. Specifically, to the extent institutional firms would otherwise be engaging in the same type of eligible tri-party repo trading activity outside of a central counterparty, having such activity novated to FICC and subject to FICC's guaranty of completion of settlement would reduce the risk that such institutional firms discontinue such trading activity in a Netting Member default situation.

Similarly, FICC believes that broadening the pool of tri-party repos eligible for central clearing at FICC through the proposed CCIT Service to institutional activity as well as sell-side activity would also reduce the potential for market disruption from fire sales by virtue of FICC's ability to centralize and control the liquidation of the portfolio of a defaulted Netting Member. Specifically, in a Netting Member default situation, the more institutional firms participate in FICC as CCIT Members, the more trading activity with the defaulted Netting Member could be centrally liquidated in an orderly manner by FICC rather by individual counterparties in potential fire sale conditions.

Moreover, FICC believes that the proposed CCIT Service would decrease settlement and operational risk in the U.S. tri-party repo market as more tri-party repos for a greater number of Members would be eligible to be netted and subject to guaranteed settlement, novation, and independent risk management through FICC.

Depending on the nature of their GSD-cleared portfolios and the purposes for which Netting Members borrow cash from institutional tri-party money lenders through the proposed CCIT Service, the proposed CCIT Service would also provide Netting Members with the potential for more efficient use of collateral.[16] Novation of tri-party repo borrowing activity to FICC through the proposed CCIT Service may also afford Netting Members the ability to offset on their balance sheets their obligations to FICC on CCIT Transactions against their obligations to FICC on other eligible FICC-cleared activity, as well as take lesser capital charges than would be required to the extent they engaged in the same borrowing activity outside of a central counterparty.[17] By potentially alleviating balance sheet and capital constraints on their Netting Member counterparties, participation in FICC as CCIT Members may afford eligible institutional firms increased lending capacity and income.

(ii) Detailed Description of the Proposed Rule Changes Related to the Proposed CCIT Service

A. Proposed Changes to GSD Rule 1 (Definitions)

FICC is proposing to amend the ''Applicant Questionnaire'' definition to delete the reference to ''Rule 2'' because this questionnaire is not mentioned in GSD Rule 2; however, it is mentioned in other GSD Rules, including, but not limited to, proposed GSD Rule 3B. In light of the fact that proposed GSD Rule 3B would provide that references to a

[10] Pursuant to this filing, the term ''Centrally Cleared Institutional Triparty Member'' or ''CCIT Member'' would be defined as ''a legal entity other than a Registered Investment Company approved to participate in the Corporation's CCIT Service as a cash lender.'' Proposed GSD Rule 1, Definitions.

[11] *See* Federal Reserve Bank of New York, Tri-Party Repo Infrastructure Reform, *https://www.newyorkfed.org/banking/tpr_infr_reform.html* (last visited Mar. 6, 2017).

[12] *See* A. Copeland et. al., *The Tri-Party Repo Market before the 2010 Reforms, Federal Reserve Bank of New York Staff Report No. 477* (Nov. 2010), *https://www.newyorkfed.org/medialibrary/media/research/staff_reports/sr477.pdf.*

[13] *See* Federal Reserve Bank of New York, Tri-Party Repo Volume, *https://www.newyorkfed.org/data-and-statistics/data-visualization/tri-party-repo/index.html#interactive/volume/collateral_value* (last visited Mar. 6, 2017).

[14] Fire sale risk is the risk of rapid asset sales of securities held by cash lenders when a dealer defaults. This rapid sale has the potential to create a market crisis because cash lenders are likely to sell large amounts of securities in a short period of time, which could dramatically reduce the price of such securities that such lenders are looking to sell.

[15] According to FICC's data, during 2016, the average daily dollar value of compared GCF Repo Transactions was approximately $114 billion.

[16] The potential for more efficient use of collateral by Netting Members relates to the fact that, to the extent they borrow cash today via tri-party repo, Netting Members are required to collateralize their tri-party cash lenders, typically to a 102 percent haircut for GSD eligible securities. *See* SIFMA, US Repo Market Fact Sheet 2016, p. 3, *https://www.sifma.org/WorkArea/DownloadAsset.aspx?id=8589961606* (last visited Mar. 6, 2017). Such collateral is separate and apart from the Clearing Fund that Netting Members are required to post to FICC to support their sell-side activity in the same asset classes. If a Netting Member's tri-party borrowing activity were novated to FICC through the proposed CCIT Service, its Clearing Fund requirement to FICC could potentially be reduced to the extent it has offsetting cash lending activity within GSD.

[17] Netting Members interested in such relief should discuss this matter with their accounting and regulatory capital experts.

''Member'' in other GSD Rules would not apply to CCIT Members unless specifically noted as such in proposed GSD Rule 3B or in such other GSD Rules, FICC is also proposing to amend the ''Applicant Questionnaire'' definition to specifically refer to CCIT Members.

FICC is proposing to add the following defined terms, which relate to the proposed CCIT Service: ''CCIT,'' ''CCIT Account,'' ''CCIT Daily Repo Interest,'' ''CCIT MRA Account,'' ''CCIT Transaction,'' ''Centrally Cleared Institutional Triparty Member or CCIT Member,'' ''Centrally Cleared Institutional Triparty Service or CCIT Service,'' ''Joint Account,'' ''Joint Account Submitter'' and ''Joint Account Submitter Agreement.''

FICC is proposing to amend the definition of ''Contract Value'' to refer to a CCIT Transaction. FICC is also proposing to make a grammatical correction to this definition.

FICC is proposing to amend the definition of ''Controlling Management'' in order to incorporate concepts that apply to CCIT Members and Registered Investment Company Netting Members and applicants to become such.

FICC is proposing to amend the definition of ''GCF Net Funds Borrower Position'' to refer to CCIT Transactions and to add an explicit definition for the term ''GCF Net Funds Borrower.''

FICC is proposing to amend the definition of ''GCF Net Funds Lender Position'' to refer to CCIT Members and CCIT Transactions and to include an explicit definition for the term ''GCF Net Funds Lender,'' which would include a Netting Member or a CCIT Member, as applicable.

FICC is proposing to amend the definition of ''GCF Net Settlement Position'' and ''GCF Repo Security'' to refer to CCIT Transactions.

FICC is proposing to include ''GCF Repo Service'' as a defined term in order to facilitate the drafting of proposed GSD Rule 3B, which covers the proposed CCIT Service.

FICC is proposing to amend the definitions of ''Invoice Amount,'' ''Member,'' ''Miscellaneous Adjustment Amount'' and ''Net Assets'' to refer to a CCIT Member.

FICC is also proposing to amend the definition of a ''Tier Two Member'' (previously referred to in the GSD Rules as a ''Tier Two Netting Member'') to include a CCIT Member.

B. Proposed Changes to GSD Rule 2 (Members)

FICC is proposing to amend GSD Rule 2 (Members) to include CCIT Members as a membership type and to make conforming changes that accommodate this inclusion.

C. Proposed Changes to GSD Rule 2A (Initial Membership Requirements)

FICC is proposing to amend Section 2 of GSD Rule 2A (Initial Membership Requirements) to make conforming changes to accommodate the revised term ''Tier Two Member.''

D. Proposed GSD Rule 3B (Centrally Cleared Institutional Triparty Service)

FICC is proposing to add GSD Rule 3B, entitled ''Centrally Cleared Institutional Triparty Service.'' This new rule would govern the proposed CCIT Service and would be comprised of 17 sections, each of which is described immediately below.

I. Proposed GSD Rule 3B, Section 1 (General)

Section 1 of proposed GSD Rule 3B would be a general provision regarding the GSD Rules applicable to CCIT Members and to Netting Members that participate in the proposed CCIT Service.

Section 1 of proposed GSD Rule 3B would establish that CCIT Members would be governed by proposed GSD Rule 3B, and that references to the term ''Member'' in other GSD Rules would not apply to CCIT Members unless specifically noted as such in proposed GSD Rule 3B or in such other GSD Rules. Section 1 of proposed GSD Rule 3B would also make clear that a Netting Member must be a participant of the GCF Repo Service in order to be a counterparty to a CCIT Member in a CCIT Transaction and that, in addition to the GSD Rules governing Netting Members, Netting Members that submit CCIT Transactions would also be subject to the provisions of proposed GSD Rule 3B and other GSD Rules applicable to CCIT Transactions.

II. Proposed GSD Rule 3B, Section 2 (Eligibility for Membership: CCIT Member)

Section 2 of proposed GSD Rule 3B would establish the initial membership eligibility requirements for applicants that wish to become CCIT Members.

Under Section 2 of proposed GSD Rule 3B, a legal entity would be eligible to apply to become a CCIT Member if it satisfies the following requirements: (i) Financial responsibility and ability to pay anticipated fees pursuant to the GSD Rules, including having minimum Net Assets [18] of $100 million, or a prescribed multiplier of $100 million in the case of applicants whose financial statements are prepared other than in accordance with U.S. generally accepted accounting principles; [19] (ii) operational capability (applicable to a Joint Account Submitter, if relevant) to communicate with FICC and fulfill anticipated commitments to and meet other operational requirements of FICC; (iii) provision of an opinion of counsel acceptable to FICC that the GSD Rules would be enforceable against such applicant if it were to become a CCIT Member; and (iv) provision of an opinion of counsel (if required by FICC in its sole discretion) acceptable to FICC that, in the event FICC were to cease to act for the applicant after such applicant becomes a CCIT Member, FICC would be able to exercise the remedies described in the GSD Rules.

In addition, FICC would have the sole discretion to determine whether the applicability of any enumerated Disqualification Criteria (as set forth in Section 2 of proposed GSD Rule 3B) should be the basis for denial of the membership application.

Section 2 of proposed GSD Rule 3B also states that FICC would retain the right to deny membership to an applicant if FICC becomes aware of any factor or circumstance about the applicant or its Controlling Management [20] which may affect the suitability of that particular applicant as a Member of GSD. Further, applicants would be required to inform FICC as to any member of their Controlling Management that is or becomes subject to Statutory Disqualification.

Section 2 of proposed GSD Rule 3B also includes provisions that would

[18] Pursuant to the GSD Rules, the term ''Net Assets'' means ''the difference between the total assets and the total liabilities of a Netting Member.'' GSD Rule 1, Definitions. This filing would amend this definition to include CCIT Members. With respect to a CCIT Member applicant, the determination as to whether the applicant satisfies the minimum Net Asset requirement under Section 2 of proposed GSD Rule 3B would be based on financial disclosures provided by the applicant as part of the membership application process.

[19] FICC may impose greater standards on the applicant based upon the level of the anticipated positions and obligations of the applicant, the anticipated risk associated with the volume and types of transactions the applicant proposes to process through FICC and the overall financial condition of the applicant. Proposed GSD Rule 3B, Section 2.

[20] Pursuant to this filing, the term ''Controlling Management'' would be revised to mean ''the Chief Executive Officer, the Chief Financial Officer, and the Chief Operations Officer, or their equivalents, of an applicant or Member or such other individuals or entities with direct or indirect control over the applicant or Member; provided that with respect to a Registered Investment Company Netting Member or an applicant to become a Registered Investment Company Netting Member, the term 'Controlling Management' shall include the investment manager.'' Proposed GSD Rule 1, Definitions.

allow CCIT Members to be represented by a Joint Account.[21]

In the market today, some institutional cash lenders submit trades as a ''joint account'' rather than at the individual legal entity level. This means that two or more institutional cash lenders create a joint account and have a submitter (such as their agent lender) conduct the trading on their behalf. The proposed rule changes would accommodate this structure and would provide that two or more approved CCIT Members may be represented by a Joint Account Submitter,[22] provided that the applicable CCIT Members enter into a Joint Account Submitter Agreement with FICC. This agreement would permit CCIT Transactions to be submitted through a Joint Account on behalf of the CCIT Members. If FICC terminates a Joint Account Submitter Agreement, such Joint Account Submitter would no longer be permitted to represent the CCIT Members in the Joint Account. Each such CCIT Member would then be required to assume the duties of the Joint Account Submitter or appoint a new Joint Account Submitter subject to the requirements of the GSD Rules.

III. Proposed GSD Rule 3B, Section 3 (Membership Application Process To Become a CCIT Member)

Section 3 of proposed GSD Rule 3B would establish the membership application process that would be required of each applicant to become a CCIT Member.

Under Section 3 of proposed GSD Rule 3B, each applicant would be required to complete all documents and it or its Joint Account Submitter, as applicable, would be required to fulfill, within the timeframes established by FICC, any operational testing requirements and related reporting requirements that may be imposed by FICC to ensure the operational capability of the applicant. In addition, each applicant would be required to complete and deliver a FATCA Certification to FICC, and if the applicant is an FFI Member,[23] the applicant would also be required to certify and periodically recertify that it is FATCA Compliant, unless such requirements have been explicitly waived in writing by FICC, and no such waiver would be issued if it would cause FICC to be obligated to withhold under FATCA on gross proceeds from the sale or other disposition of any property. The applicant would also be required to indemnify FICC as a result of its failing to be FATCA Compliant. Section 3 of proposed GSD Rule 3B would also provide for confidential treatment of information furnished to FICC pursuant to proposed GSD Rule 3B.

In connection with FICC's evaluation of an applicant, FICC would be able to: (i) If applicable, contact the applicant's primary regulatory authority, other examining authority or regulator, or any self-regulatory organization of which the applicant is a member and request from such authority or organization any records, reports or other information that, in their judgment, may be relevant to the application; (ii) examine the books, records and operational procedures of, and inspect the premises of, the applicant or its Controlling Management as they may be related to the business to be conducted through GSD; and (iii) take such other evidence or make such other inquiries as is necessary, including sworn or unsworn testimony, to ascertain relevant facts bearing upon the applicant's qualifications.

Section 3 of proposed GSD Rule 3B would make clear that, notwithstanding that FICC has approved an application to become a CCIT Member, if a material change in the condition of the applicant or its Controlling Management were to occur, which in the judgment of FICC could bring into question the applicant's ability to perform as a CCIT Member, and such material change were to become known to FICC prior to the applicant's commencing use of GSD's services, FICC would have the right to stay commencement of the applicant's use of GSD's services until a reconsideration by FICC of the applicant's financial responsibility and operational capability could be completed. As a result of such reconsideration, FICC could determine to withdraw approval of an application to become a CCIT Member or condition the approval upon the furnishing of additional information or assurances.

Section 3 of proposed GSD Rule 3B would also state that FICC could deny an application to become a CCIT Member upon FICC's determination that FICC does not have adequate personnel, space, data processing capacity, or other operational capability at that time to perform its services for the applicant without impairing the ability of FICC to provide services for its existing Members (including CCIT Members), to assure the prompt, accurate, and orderly processing and settlement of securities transactions or to otherwise carry out its functions; provided, however, that any such applications which are denied pursuant to this provision would be approved as promptly as the capabilities of FICC permit.

Upon FICC's denial of an application to become a CCIT Member, FICC would furnish the applicant with a concise written statement setting forth the specific grounds under consideration upon which any such denial may be based and would notify the applicant of its right to request a hearing, such request to be filed by the applicant with FICC pursuant to GSD Rule 37 (Hearing Procedures).

IV. Proposed GSD Rule 3B, Section 4 (Membership Agreement)

Section 4 of proposed GSD Rule 3B would govern the agreements that CCIT Member applicants would be required to sign and deliver to FICC.

Section 4 of proposed GSD Rule 3B would describe the terms of the membership agreement that every CCIT Member applicant would be required to execute with FICC and, in the case of CCIT Member applicants that intend to participate in the proposed CCIT Service through a Joint Account, this section would require that such applicants also execute a Joint Account Submitter Agreement with FICC. This section would also specify the rights, obligations, and liability that a CCIT Member that participates in the proposed CCIT Service would have vis-à-vis its Joint Account Submitter, as well as the conditions under which FICC would be able to terminate the Joint Account Submitter Agreement. It should be noted that the Joint Account Submitter in its capacity as such would not be a Member.

V. Proposed GSD Rule 3B, Section 5 (On-Going Membership Requirements)

Section 5 of proposed GSD Rule 3B would establish on-going membership requirements and would make clear that the initial eligibility qualifications and standards for CCIT membership would be continuing membership requirements. Additional on-going

[21] Pursuant to this filing, ''Joint Account'' would be defined as ''two or more CCIT Members represented by a Joint Account Submitter.'' Proposed GSD Rule 1, Definitions.

[22] Pursuant to this filing, the term ''Joint Account Submitter'' would be defined as ''an authorized entity that (i) is acting as agent for two or more CCIT Members that are trading and submitting CCIT Transactions as a Joint Account and (ii) has been appointed by each such CCIT Member pursuant to a Joint Account Submitter Agreement.'' Proposed GSD Rule 1, Definitions.

[23] Pursuant to GSD Rule 1, the term ''FFI Member'' means ''any Person that is treated as a non-U.S. entity for U.S. federal income tax purposes.'' For the avoidance of doubt, the term FFI Member also includes ''any Member that is a U.S. branch of an entity that is treated as a non-U.S. entity for U.S. federal income tax purposes.'' GSD Rules, *supra* note 4.

membership requirements would also apply to CCIT Members as described below.

Each CCIT Member would be required to submit the following to FICC: (i) Disclosure on at least an annual basis regarding such CCIT Member's Net Assets, and (ii) any financial statements the CCIT Member makes publicly available. In addition, each CCIT Member would be required to submit such other reports, financial, and other information as FICC from time to time may reasonably require. The time periods prescribed for submission of required disclosure would be set forth in notices posted to FICC's Web site and/or distributed by FICC from time to time. It would be the CCIT Member's responsibility to retrieve all notices daily from FICC's Web site.

In addition, a CCIT Member would be required to submit written notice of any CCIT Reportable Event [24] at least 90 calendar days prior to the effective date of such CCIT Reportable Event, unless the CCIT Member demonstrates that it could not have reasonably done so, and provides notice, both orally and in writing, to FICC as soon as possible.

CCIT Members that are FFI Members would also be subject to FATCA-related reporting requirements.

Section 5 of proposed GSD Rule 3B would provide that a CCIT Member that fails to submit required information within the prescribed timeframes and in the manner requested by FICC would be subject to the applicable fines noted under ''Failure to Timely Provide Financial and Related Information'' and ''Reportable Events—Fine for Failure of Timely Notification,'' as applicable, in the *Fine Schedules* of the GSD Rules.

FICC could, from time to time, require CCIT Members or their Joint Account Submitters, as applicable, to fulfill certain operational testing requirements and related reporting requirements to ensure the continuing operational capability of the CCIT Members. FICC would assess a fine or terminate the membership of any CCIT Member that does not fulfill any such operational testing and related reporting requirements within the timeframes established by FICC. If a Joint Account Submitter does not fulfill any such operational testing and related reporting requirements within the timeframes established by FICC, FICC could terminate the Joint Account Submitter Agreements for any or all CCIT Members that such Joint Account Submitter represents.

A CCIT Member would also be required to promptly inform FICC, both orally and in writing, if it no longer is in compliance with any of the relevant qualifications and standards for admission to membership set forth in proposed GSD Rule 3B. Notification would be required within two Business Days from the date on which the CCIT Member first learns of its non-compliance. FICC would assess a $1,000.00 fine against any CCIT Member that fails to notify FICC. In addition, a CCIT Member would be required to notify FICC within two Business Days of learning that an investigation or proceeding to which it is or is becoming the subject of would cause the CCIT Member to fall out of compliance with any of the relevant qualifications and standards for membership set forth in proposed GSD Rule 3B. However, the CCIT Member would not be required to notify FICC if doing so would cause the CCIT Member to violate an applicable law, rule, or regulation.

If with respect to a CCIT Member: (i) The CCIT Member fails to maintain the relevant standards and qualifications for admission to membership, including, but not limited to, minimum capital standards, operational testing, and related reporting requirements imposed by FICC from time to time; (ii) the CCIT Member violates any GSD Rule or other agreement with FICC; (iii) the CCIT Member fails to satisfy in a timely manner any obligation to FICC; (iv) there is any CCIT Reportable Event relating to such Member; or (v) FICC otherwise deems it necessary or advisable, in order to (a) protect FICC, its Members (including CCIT Members), or its creditors or investors; (b) safeguard securities and funds in the custody or control of FICC or for which FICC is responsible; or (c) promote the prompt and accurate processing, clearance or settlement of securities transactions, FICC would undertake appropriate action to determine the status of the CCIT Member and its continued eligibility. In addition, FICC could review the financial responsibility and operational capability of the CCIT Member and/or its Controlling Management to the extent provided in the GSD Rules and otherwise require from the CCIT Member additional reporting of its financial or operational condition at such intervals and in such detail as FICC determines, and would make a determination as to whether such CCIT Member should be placed on the Watch List by FICC consistent with the provisions of Section 5 of proposed GSD Rule 3B (described below).

In addition, if FICC has reason to believe that a CCIT Member may fail to comply with any of the GSD Rules, FICC could require the CCIT Member to provide FICC, within such timeframe, in such detail, and pursuant to such manner as FICC determines, with assurances in writing of a credible nature that the CCIT Member shall not, in fact, violate the GSD Rules. Each CCIT Member, or any applicant to become such, would be required to furnish to FICC such adequate assurances of the CCIT Member's financial responsibility and operational capability as FICC could at any time or from time to time deem necessary or advisable in order to (i) protect FICC, its Members (including CCIT Members), or its creditors or investors; (ii) safeguard securities and funds in the custody or control of FICC or for which FICC is responsible; or (iii) promote the prompt and accurate processing, clearance or settlement of securities transactions. Upon the request of a CCIT Member or applicant to become such, FICC could choose to confer with the CCIT Member or applicant before or after requiring it to furnish adequate assurances pursuant to this proposed GSD Rule 3B.

Adequate assurances of financial responsibility or operational capability of a CCIT Member or applicant to become such, as could be required by FICC pursuant to proposed GSD Rule 3B, could include, but would not be limited to, as appropriate in the context of the CCIT Member's use of GSD's services: (i) Imposing restrictions or modifications on the CCIT Member's use of GSD's services (whether generally, or with respect to certain transactions); or (ii) requiring additional reporting by the CCIT Member of its financial or operational condition at such intervals and in such detail as FICC determines.

Section 5 of proposed GSD Rule 3B would provide that in the event that a CCIT Member fails to satisfy the relevant requirements of any GSD Rules, FICC would cease to act for the CCIT Member, unless the CCIT Member requests that such action not be taken and FICC determines that it is appropriate instead to establish a time period (the ''Noncompliance Time Period''), which would be no longer than 30 calendar days (unless otherwise determined by FICC), during which the CCIT Member would be required to resume compliance with such

[24] Proposed GSD Rule 3B would define a ''CCIT Reportable Event'' as ''(i) an event that would, after giving effect thereto, cause a material change in the control, ownership or management of the CCIT Member, or that could have a material impact on such CCIT Member's business and/or financial condition; (ii) material changes in the CCIT Member's business lines, including new business lines undertaken; or (iii) any litigation which could reasonably be anticipated to have a material negative effect on the CCIT Member's financial condition or ability to conduct business.'' Proposed GSD Rule 3B, Section 5(c).

requirements. In the event that the CCIT Member is unable to satisfy such requirements within the Noncompliance Time Period, FICC would cease to act for the CCIT Member. If FICC takes any cease to act action pursuant to this provision, it would be required to promptly file with its records and with the Commission a full report of such actions, and the reasons thereof. Notwithstanding anything to the contrary in Section 5 of proposed GSD Rule 3B, if FICC, in its sole discretion, determines that a CCIT Member's financial condition has significantly deteriorated during a Noncompliance Time Period, FICC could immediately cease to act for the CCIT Member.

Section 5 of proposed GSD Rule 3B would require that CCIT Members and their Joint Account Submitters, as applicable, comply with all applicable laws, including applicable laws relating to securities, taxation and money laundering, as well as global sanctions regulations in connection with their use of GSD's services. As part of their compliance with global sanctions regulations, all CCIT Members and their Joint Account Submitters would be prohibited from conducting any transaction or activity through FICC which they know to violate global sanctions regulations. CCIT Members subject to the jurisdiction of the U.S. would be required to periodically confirm that they and their Joint Account Submitters, as applicable, have implemented a risk-based program reasonably designed to comply with applicable sanctions regulations issued by the Office of Foreign Assets Control. Failure to do so in the manner and timeframes set forth by FICC from time to time would result in a $5,000.00 fine.

Section 5 of proposed GSD Rule 3B would also prohibit a CCIT Member that is an FFI Member from conducting CCIT Transactions or activity through FICC if such CCIT Member is not FATCA Compliant, unless such requirement has been explicitly waived in writing by FICC with respect to the specific CCIT Member. In addition, CCIT Members that are FFI Members would be required, as applicable under FATCA, to certify and periodically recertify to FICC that they are FATCA Compliant by providing to FICC a FATCA Certification. Failure to do so in the manner and timeframes set forth by FICC from time to time would result in a fine, unless such requirement has been explicitly waived in writing by FICC with respect to the specific CCIT Member. Nevertheless, no waiver would be issued if it would cause FICC to be obligated to withhold under FATCA on gross proceeds from the sale or other disposition of any property. A CCIT Member that is an FFI Member would also be required to indemnify FICC for losses, liabilities, or expenses sustained by FICC as a result of such CCIT Member failing to be FATCA Compliant.

Section 5 of proposed GSD Rule 3B would also provide that a CCIT Member and its Controlling Management's books and records, insofar as they relate to such CCIT Member's transactions processed through FICC, would be required to be open to the inspection of the duly authorized representatives of FICC upon reasonable prior notice and during the CCIT Member's or its Controlling Management's normal business hours. Each CCIT Member would be required to furnish to FICC all such information about the CCIT Member's and its Controlling Management's business and transactions as FICC may require; provided that (i) the aforesaid rights of FICC would be subject to any applicable laws, rules, or regulations of regulatory bodies having jurisdiction over the CCIT Member or its Controlling Management that relate to the confidentiality of records; and (ii) if the CCIT Member ceases membership, FICC would have no right to inspect the CCIT Member's or its Controlling Management's books and records or to require information relating to transactions wholly subsequent to the time when the CCIT Member ceases membership.

Section 5 of proposed GSD Rule 3B would also provide that a CCIT Member could be monitored for financial and/or operational factors as FICC deems necessary to protect FICC and its Members from undue risk. CCIT Members would not be assigned a rating from the Credit Risk Rating Matrix; however, they could be included on the Watch List at FICC's discretion. Placement on the Watch List would result in a more thorough monitoring of the CCIT Member's financial and/or operational condition, as applicable, and activities by FICC. FICC could require CCIT Members placed on the Watch List to make more frequent financial disclosures, possibly including interim and/or pro forma reports. A CCIT Member would be placed on the Watch List if FICC takes any action against such CCIT Member pursuant to Section 5(f) of proposed GSD Rule 3B. A CCIT Member would continue to be included on the Watch List until the condition(s) that resulted in its placement on the Watch List improved to the point where the condition(s) are no longer present or a determination is made by FICC that close monitoring is no longer warranted.

VI. Proposed GSD Rule 3B, Section 6 (Voluntary Termination)

Section 6 of proposed GSD Rule 3B would establish the requirements regarding a CCIT Member's election to voluntarily terminate its GSD membership.

A CCIT Member would be permitted to elect to terminate its membership by providing FICC with 10 Business Days' written notice of such termination; however, FICC, in its discretion, could accept such termination within a shorter notice period. FICC's acceptance, which would be no later than 10 Business Days after receipt of the written notice, would be evidenced by a notice to Members (including CCIT Members) announcing the CCIT Member's termination and the effective date of the termination of the CCIT Member (the ''Termination Date''). As of the Termination Date, a CCIT Member that terminates its membership in GSD would no longer be eligible or required to submit to FICC data on trades and would no longer be eligible to have its trade data submitted by a Joint Account Submitter, unless the Board determines otherwise in order to ensure an orderly liquidation of the CCIT Member's positions. Section 6 of proposed GSD Rule 3B would provide that a CCIT Member's voluntary termination of membership would not affect its obligations to FICC, or the rights of FICC, with respect to transactions submitted to FICC before the Termination Date.

VII. Proposed GSD Rule 3B, Section 7 (Loss Allocation Obligations of CCIT Members)

CCIT Members would only be permitted to participate in the proposed CCIT Service as cash lenders, and FICC would have a perfected security interest in each CCIT Member's underlying repo securities. In the event that a CCIT Member defaults or becomes insolvent, FICC would obtain and deliver the underlying repo securities to the Netting Member with whom the defaulted CCIT Member had open CCIT Transactions. As a result of FICC's perfected security interest, CCIT Members would not present market risk because FICC would not be required to take market action in order to obtain the underlying repo securities. In light of the foregoing, FICC believes it is appropriate from a risk management perspective not to require a Required Fund Deposit from CCIT Members.

However, FICC does propose to establish loss allocation obligations for CCIT Members, and Section 7 of proposed GSD Rule 3B would set forth such obligations.

In particular, Section 7 of proposed GSD Rule 3B provides that Section 7 of GSD Rule 4 (Clearing Fund and Loss Allocation), which covers loss allocation generally, would apply to CCIT Members as Tier Two Members. Section 7 of proposed GSD Rule 3B and Section 7 of GSD Rule 4, together, would provide that CCIT Members would be responsible for the total amount of loss allocated to them. With respect to CCIT Members with a Joint Account Submitter, loss allocation would be calculated at the Joint Account level and then applied pro rata to each CCIT Member within the Joint Account based on the trade settlement allocation instructions. If, at the time FICC calculates loss allocation, the trade settlement allocation instructions to the individual CCIT Member level have not yet been received by FICC, the CCIT Members in the Joint Account would be required to provide the allocation to FICC within the timeframes set by FICC in its discretion.

VIII. Proposed GSD Rule 3B, Section 8 (Obligations Under Rule 4 Regarding Netting Members That Participate in the CCIT Service)

Section 8 of proposed GSD Rule 3B would establish the applicability of GSD Rule 4 (Clearing Fund and Loss Allocation) to Netting Members with respect to their CCIT Transactions.

Section 8 of proposed GSD Rule 3B would provide that the provisions of GSD Rule 4 would apply to the CCIT Service activity of Netting Members in the same manner that such provisions apply to Netting Members' GCF Repo Transaction activity.

IX. Proposed GSD Rule 3B, Section 9 (Trade Submission and the Comparison System)

Section 9 of proposed GSD Rule 3B would establish trade submission and comparison requirements for CCIT Transactions.

With respect to trade submission, Section 9 of proposed GSD Rule 3B would permit CCIT Members (whether submitting individually or through a Joint Account) to submit only CCIT Transactions to FICC. FICC would leverage its existing GCF Repo Service infrastructure and operations to process CCIT Transactions, subject to certain differences given the nature of the CCIT Transactions and certain industry conventions applicable to such transactions, which FICC wishes to accommodate in its processing. CCIT Transactions would be required to be in Generic CUSIP Numbers approved by FICC for the GCF Repo Service.

Each CCIT Member would be required to maintain two accounts at the GCF Clearing Agent Bank(s) at which Netting Members with whom the CCIT Member enters into CCIT Transactions maintain accounts. CCIT Members acting through a Joint Account would be required to cause the Joint Account Submitter to maintain two accounts for the Joint Account activity at the GCF Clearing Agent Bank(s) at which the Netting Members with whom the CCIT Members enter into CCIT Transactions maintain accounts. One account at each such GCF Clearing Agent Bank would be designated for the CCIT Member's activity with FICC, and the second account would be designated for purposes of the committed liquidity facility to which the CCIT Member would be subject. This facility is described in Section 14 of proposed GSD Rule 3B.

With respect to trade comparison, Section 9 of proposed GSD Rule 3B would provide that the provisions of GSD Rule 5 (Comparison System) would apply to CCIT Transactions, subject to the following: (i) ''Member,'' when used in GSD Rule 5 (Comparison System), would include a CCIT Member or a Joint Account Submitter acting on behalf of a CCIT Member, as applicable; (ii) with respect to Section 3 (Trade Submission Communication Methods) of GSD Rule 5, CCIT Transactions could only be submitted using the Interactive Submission Method or FICC's web interface; and (iii) with respect to Section 4 (Submission Size Alternatives) of GSD Rule 5, CCIT Transactions would be required to be submitted exactly as executed.

Also with respect to trade comparison, FICC would permit CCIT Transactions to be submitted for either Bilateral Comparison or Locked-In Comparison. Currently, in the GCF Repo Service (which the CCIT Service would be leveraging), transactions are submitted for Locked-In Comparison. Because institutional tri-party repo transactions are typically transacted on a bilateral basis, FICC wishes to accommodate this convention and allow CCIT Transactions to be submitted for either Bilateral Comparison or Locked-In Comparison.

Section 9 of proposed GSD Rule 3B would provide that GSD Rule 6A (Bilateral Comparison) would govern the comparison of CCIT Transactions that are submitted for Bilateral Comparison, subject to the following:

(i) ''Member,'' when used in GSD Rule 6A, would include a CCIT Member or a Joint Account Submitter acting on behalf of a CCIT Member, as applicable;

(ii) with respect to Section 1 (General) of GSD Rule 6A, the *Schedule of Required and Other Data Submission Items for GCF Repo Transactions* would apply to CCIT Transactions. The *Schedule of Required Match Data* and the *Schedule of Money Tolerances* would not apply to CCIT Transactions. With respect to the *Schedule of Required and Other Data Submission Items for GCF Repo Transactions,* the fields requiring Broker information would not apply; and

(iii) with respect to Section 2 (Submission Method Requirements) of GSD Rule 6A, CCIT Transactions could only be submitted using the Interactive Submission Method or FICC's web interface.

Section 9 of proposed GSD Rule 3B would provide that the following provisions of GSD Rule 6C (Locked-In Comparison) would govern the comparison of CCIT Transactions that are submitted on a Locked-In Trade basis: Section 1 (General), Section 2 (Authorizations of Transmission to and Receipt by the Corporation of Data on Locked-In Trades), the first sentence in Section 4 (Submission Requirements), Section 5 (GCF Repo Transactions), Section 7 (Reporting of Locked-In Trades), Section 8 (Discretion to not Accept Data), Section 9 (Binding Nature of Comparison System Output on Locked-In Trades), Section 12 (Affirmation, Cancellation and Modification Requirements for Data on GCF Repo Transactions) and Section 13 (Timing of Comparison). For purposes of the application of these provisions to CCIT Transactions, CCIT Transactions would be treated as GCF Repo Transactions. ''Member,'' when used in applicable parts of GSD Rule 6C, would include a CCIT Member or, as applicable, a Joint Account Submitter acting on behalf of a CCIT Member.

Section 9 of proposed GSD Rule 3B states that the *Schedule of GCF Timeframes* would apply to CCIT Transactions (whether submitted for Bilateral Comparison or Locked-In Comparison) and CCIT Members would be subject to any applicable late fees (applied at the Joint Account level if applicable) noted in the *Fee Structure* for failure to meet applicable deadlines. CCIT Members would be subject to all consequences for not meeting the deadlines in the schedules noted in GSD Rule 20 (Special Provisions for GCF Repo Transactions) in the same manner that such consequences apply to Netting Members.

A. Proposed GSD Rule 3B, Section 10 (Forward Trades)

Section 10 of proposed GSD Rule 3B would apply to CCIT Transactions that are Forward Trades.

Section 10 of proposed GSD Rule 3B would provide that the provisions of GSD Rule 14 (Forward Trades) would apply to CCIT Transactions in the same way such provisions apply to GCF Repo Transactions.

B. Proposed GSD Rule 3B, Section 11 (Netting System and Settlement of CCIT Transactions)

Section 11 of proposed GSD Rule 3B would govern the netting and settlement of CCIT Transactions.

Section 11 of proposed GSD Rule 3B would provide that GSD Rule 20 (Special Provisions for GCF Repo Transactions) would apply to the netting and settlement obligations of FICC and each party to a CCIT Transaction in the same manner in which such provisions apply to GCF Repo Transactions, subject to the following: (i) When used, ''Netting Member'' would include a CCIT Member or, as applicable, a Joint Account; (ii) CCIT Members (whether acting individually or through a Joint Account) would always be GCF Net Funds Lenders; (iii) CCIT Members would not be Interbank Pledging Members; [25] (iv) CCIT Members would not be initiators of requests for collateral substitutions but would be the recipients of such collateral substitutions; [26] and (v) the CCIT Transaction activity of Netting Members would be netted with such Netting Members' GCF Repo Service activity for one net obligation per GCF Repo Service Generic CUSIP Number.

Section 11 of proposed GSD Rule 3B would also provide that on each Business Day, CCIT Members submitting CCIT Transactions through a Joint Account would be required to cause their Joint Account Submitter to submit the trade settlement allocation with respect to trades settled by the Joint Account during that Business Day.

In the event that FICC ceases to act for a CCIT Member, FICC would need to obtain the underlying securities collateral to avoid having to take market action to purchase such securities. To address this concern, Section 11 of proposed GSD Rule 3B would provide that each CCIT Member grants to FICC a security interest in the underlying securities as security for the CCIT Member's performance of its obligations under each CCIT Transaction. Section 11 of proposed GSD Rule 3B would further provide that in the event a CCIT Transaction were re-characterized as a loan, the securities delivered to the CCIT Member would be deemed pledged to such Member as security for the performance of FICC's obligations. In such circumstances, FICC would not be considered to have a security interest in the securities but as owning the securities. In addition, Section 11 of proposed GSD Rule 3B would provide that if FICC ceases to act for a CCIT Member, FICC could instruct the relevant GCF Clearing Agent Bank to deliver to FICC the Eligible Securities that the CCIT Member is obligated to return to FICC against payment by FICC of the Contract Value.

C. Proposed GSD Rule 3B, Section 12 (Compared Trades)

Section 12 of proposed GSD Rule 3B would establish FICC's guaranty of settlement of CCIT Transactions.

Section 12 of proposed GSD Rule 3B would provide that GSD Rule 11B (Guaranty of Settlement) would apply to CCIT Transactions that are Compared Trades.

D. Proposed GSD Rule 3B, Section 13 (Funds-Only Settlement)

Section 13 of proposed GSD Rule 3B would establish the funds-only settlement obligations that would apply to CCIT Members and to Netting Members that are parties to CCIT Transactions.

FICC proposes that CCIT Members would have Funds-Only Settlement Amount obligations as set forth in GSD Rule 13 (Funds-Only Settlement), and that GSD Rule 13 would apply in its entirety to CCIT Members in the same manner as it applies to Netting Members, except that only the following components of Section 1 (General) of GSD Rule 13 would apply to CCIT Members: (i) The Invoice Amount,[27] and (ii) the Miscellaneous Adjustment Amount.[28] FICC proposes to not collect/pay the remaining funds-only settlement components included in Section 1 of GSD Rule 13 from/to CCIT Members in order to align with current market practice for institutional cash lenders in the tri-party repo market. Such modified approach to the funds-only settlement process would be appropriate for FICC to take with respect to CCIT Members in light of the fact that no market action would be required by FICC in the event of a CCIT Member's default due to the perfected security interest FICC would have in such CCIT Member's underlying repo securities.

For Netting Members that are parties to CCIT Transactions, FICC proposes that the Invoice Amount, the Miscellaneous Adjustment Amount, and the Transaction Adjustment Payment components of Section 1 of GSD Rule 13 would apply (inclusive of their CCIT Transactions) in the same manner that such components are currently applied to their GSD funds-only settlement obligations.

However, the GCF Interest Rate Mark and Interest Rate Mark components of Section 1 of GSD Rule 13 would apply in a different manner with respect to Netting Members' CCIT Transactions than such components are currently applied to their GSD funds-only settlement obligations. Specifically, if the GCF Interest Rate Mark funds-only settlement component (for a CCIT Transaction for which the Start Leg has settled) or the Interest Rate Mark funds-only settlement component (for a CCIT Transaction that is a Forward Trade, during such CCIT Transaction's Forward-Starting Period) result in a debit to the Netting Member, such debit amount would be collected and held by FICC overnight and then returned to the Netting Member the following day in a credit for the same amount, plus a use of funds amount (Interest Rate Market Adjustment Payment). FICC proposes to collect and hold debit amounts reflecting Netting Members' GCF Interest Rate Mark or Interest Rate Mark, as applicable, overnight to mitigate the interest rate risk that FICC faces from a Netting Member's default with respect to its CCIT Transactions. However, if the GCF Interest Rate Mark or the Interest Rate Mark component, as applicable, results in a credit to a Netting Member,

[25] Interbank processing is not a feature of the CCIT Service because CCIT Members would be required to have accounts at each GCF Clearing Agent Bank at which Netting Members with whom the CCIT Members enter into CCIT Transactions maintain accounts. The net cash requirement for each account would be settled at the applicable bank, thereby eliminating the need for interbank processing.

[26] Because CCIT Members would be cash lenders in CCIT Transactions, they would not initiate collateral substitutions, as collateral substitution is a market practice initiated by cash borrowers in repo transactions.

[27] Pursuant to the GSD Rules, the term ''Invoice Amount'' means ''all fee amounts due and owing from a Netting Member to the Corporation on a particular Business Day.'' GSD Rule 1, Definitions. This filing would amend this definition to include CCIT Members.

[28] Pursuant to the GSD Rules, the ''Miscellaneous Adjustment Amount'' means ''the net total of all miscellaneous funds-only amounts that, on a particular Business Day, are required to be paid by a Netting Member to the Corporation and/or are entitled to be collected by a Member from the Corporation.'' GSD Rule 1, Definitions. This filing would amend this definition to include CCIT Members.

the Netting Member would not be paid the credit because the related debit would not be collected from the CCIT Member for the reasons described above.

In addition, FICC proposes to apply a new funds-only settlement component to CCIT Transactions, which would be referred to as ''CCIT Daily Repo Interest.'' CCIT Daily Repo Interest would reflect the daily interest earned on a CCIT Transaction and would be collected by FICC on each Business Day during the course of a CCIT Transaction from the cash borrowing Netting Member party to a CCIT Transaction (other than on the Actual Settlement Date of the CCIT Transactions on which it would be treated as a Transaction Adjustment Payment) and paid through by FICC on the same day to the cash lending CCIT Member as part of the funds-only settlement process, unless the parties enter into a negative rate CCIT Transaction, in which case the debits and credits would be reversed. It should be noted that a Netting Member would not receive any use of funds amount credit from FICC on any CCIT Daily Repo Interest collected from such Netting Member during the course of a CCIT Transaction because the related debit would not be collected from the CCIT Member in order to align with current market practice for institutional cash lenders in the tri-party repo market.

E. Proposed GSD Rule 3B, Section 14 (Liquidity Requirements of CCIT Members)

Section 14 of proposed GSD Rule 3B would establish a rules-based committed liquidity facility for CCIT Members.

The September 1996 Securities Industry and Financial Markets Association Master Repurchase Agreement (without the referenced annexes) (the ''SIFMA MRA'') would be incorporated by reference into the GSD Rules as a master repurchase agreement between FICC as seller and each CCIT Member as buyer (the ''CCIT MRA'').

The CCIT MRA could be invoked by FICC in the event that FICC ceases to act for a Netting Member that engaged in CCIT Transactions (the ''Defaulting Member''), and would require CCIT Members that have open trades with the Defaulting Member to enter into repo transactions subject to the CCIT MRA (each, a ''CCIT MRA Transaction''). Only CCIT Members that have outstanding CCIT Transactions with the Defaulting Member would be required to enter into CCIT MRA Transactions, and the aggregate total purchase price of a CCIT Member's CCIT MRA Transactions would be limited to no more than the aggregate total principal dollar amount of such CCIT Member's outstanding CCIT Transactions with the Defaulting Member. The securities posted to the CCIT Members under CCIT MRA Transactions would have a market value of 102 percent of the aggregate purchase price, and the pricing rate in respect of each CCIT MRA Transaction would be the rate published on FICC's Web site at the time that FICC initiates such CCIT MRA Transaction, corresponding to: (A) U.S. Treasury <30-year maturity (CUSIP: 371487AE9) if the underlying securities are U.S. Treasury securities; (B) Non-Mortgage Backed U.S. Agency Securities (CUSIP: 371487AH2) if the underlying securities are non-mortgage-backed U.S. agency securities; or (C) Fannie Mae and Freddie Mac Fixed Rate MBS (CUSIP: 371487AL3) if the underlying securities are mortgage-backed securities, or, if the relevant foregoing rate is unavailable, a rate that FICC reasonably determines approximates the average daily interest rate paid by a seller of the underlying securities under a cleared repo transaction.

CCIT MRA Transactions would be terminable only by demand of FICC, except in the following circumstances: (i) A Corporation Default occurs during the term of a CCIT MRA Transaction; or (ii) if FICC is not able to settle a CCIT MRA Transaction by (x) the 30th calendar day following the entry into such CCIT MRA Transaction where the underlying securities are non-mortgage-backed U.S. agency securities or U.S. Treasury securities, or (y) the 60th calendar day following the entry into such CCIT MRA Transaction where the underlying securities are mortgage-backed securities (any such day, a ''CCIT MRA Termination Date''). In either of the aforementioned circumstances, the affected CCIT Member would have the right to terminate the CCIT MRA Transaction and sell the underlying securities.

Section 14 of proposed GSD Rule 3B would also make clear that all delivery obligations with respect to an original CCIT Transaction would be deemed satisfied by operation of Section 14, and settlement of any original CCIT Transaction between FICC and any CCIT Member would be final, notwithstanding that the relevant Eligible Securities are not required to be delivered to FICC in connection with such original CCIT Transaction by the CCIT Member that was a buyer in the original CCIT Transaction (such delivery being netted against delivery to the buyer under the CCIT MRA).

In addition to the above, Section 14 of proposed GSD Rule 3B also provides for uncommitted liquidity repurchase transactions between each CCIT Member as Buyer and FICC as Seller under the SIFMA MRA that would also be incorporated by reference in the GSD Rules.

F. Proposed GSD Rule 3B, Section 15 (Restrictions on Access to Services by a CCIT Member, Insolvency of a CCIT Member and Wind-Down of a CCIT Member)

Section 15 of proposed GSD Rule 3B would govern (i) the rights of FICC to restrict a CCIT Member's access to its services, (ii) FICC's rights in the event of an insolvency of a CCIT Member, and (iii) the winding down of a CCIT Member's CCIT activity.

Section 15 of proposed GSD Rule 3B would provide that the provisions of GSD Rule 21 (Restrictions on Access to Services), GSD Rule 21A (Wind-Down of a Netting Member) and GSD Rule 22 (Insolvency of a Member) would apply to CCIT Members in the same manner as such provisions apply to Netting Members.

G. Proposed GSD Rule 3B, Section 16 (Procedures for When the Corporation Ceases To Act for a CCIT Member)

Section 16 of proposed GSD Rule 3B would establish FICC's procedures for when it ceases to act for a CCIT Member.

Section 16 of proposed GSD Rule 3B would provide that GSD Rule 22A (Procedures for When the Corporation Ceases to Act) would apply when FICC ceases to act for a CCIT Member in the same manner as such rule applies to Netting Members, except that with respect to Section 2(b) of GSD Rule 22A, the CCIT Member for whom FICC has ceased to act would be required to return each Eligible Security that the CCIT Member is obligated to return to FICC against payment by FICC of the Contract Value.

H. Proposed GSD Rule 3B, Section 17 (Other Applicable Rules, Schedules, Interpretations and Statements)

Section 17 of proposed GSD Rule 3B would establish certain other GSD Rules as being applicable to CCIT Members in the same manner that such rules apply to Netting Members.

Section 17 of proposed GSD Rule 3B would provide that GSD Rule 1 (Definitions), GSD Rule 22B (Corporation Default), proposed GSD Rule 22C (Interpretation in Relation to the Federal Deposit Insurance Corporation Act of 1991), GSD Rule 23 (Fine Payments), GSD Rule 25 (Bills

Rendered), GSD Rule 27 (Admission to Premises of the Corporation, Powers of Attorney, Etc.), GSD Rule 28 (Forms), GSD Rule 29 (Release of Clearing Data), GSD Rule 31 (Distribution Facilities), GSD Rule 32 (Signatures), GSD Rule 33 (Procedures), GSD Rule 34 (Insurance), GSD Rule 35 (Financial Reports), GSD Rule 36 (Rule Changes), GSD Rule 37 (Hearing Procedures), GSD Rule 38 (Governing Law and Captions), GSD Rule 39 (Limitations of Liability), GSD Rule 40 (General Provisions), GSD Rule 41 (Cross-Guaranty Agreements), GSD Rule 42 (Suspension of Rules), GSD Rule 44 (Action by the Corporation), GSD Rule 45 (Notices), GSD Rule 46 (Interpretation of Terms), GSD Rule 47 (Interpretation of Rules) and GSD Rule 48 (Disciplinary Proceedings) would apply to CCIT Members in the same manner that such rules apply to Netting Members.

Section 17 of proposed GSD Rule 3B would provide that CCIT Members would be Voluntary Purchaser Participants within the meaning of the Shareholders Agreement of DTCC, dated as of November 4, 1999, as heretofore or hereafter amended and restated.[29] In addition, Section 17 of proposed GSD Rule 3B would provide that all schedules cited in or pertaining to the GSD Rules which are cited in proposed GSD Rule 3B would apply to CCIT Members and that the Statements of Policy or Interpretation contained in the GSD Rules as applicable to the CCIT Service would also be applicable to CCIT Members.

E. Proposed Changes to GSD Rule 4 (Clearing Fund and Loss Allocation)

The proposed changes to GSD Rule 4 (Clearing Fund and Loss Allocation) would provide that CCIT Members would be treated as Tier Two Members for purposes of default loss allocation.

Unlike Tier One Netting Members, which are subject to default loss mutualization, a Tier Two Member is only subject to loss allocation as a result of the default of a Netting Member with whom it had open FICC-cleared transactions at the time of such Netting Member's default. FICC assesses Tier Two Members ratably based upon their open trading activity with the Defaulting Member that resulted in a loss. Tier Two Members whose trades with the Defaulting Member result in a bilateral liquidation profit are not allocated any portion of a Remaining Loss.

In light of the fact that a CCIT Member would only provide liquidity as a cash lender in the proposed CCIT Service and would not present market risk to FICC due to the perfected security interest FICC would have in such CCIT Member's underlying repo securities, FICC believes it is appropriate to treat CCIT Members as Tier Two Members and subject them to default loss allocation obligations with respect to the default of a Netting Member with whom they had open CCIT Transactions at the time of such Netting Member's default, but not loss mutualization obligations as is required for Tier One Netting Members as described above. Specifically, the proposed changes to GSD Rule 4 would provide that loss would be assessed against CCIT Members as Tier Two Members ratably based upon a percentage of loss attributable to each CCIT Member's specific Generic CUSIP Number that it had open with the Defaulting Member.

Conforming changes would also be made to GSD Rule 4 to refer to the defined term ''Tier Two Member'' (previously referred to in the GSD Rules as a ''Tier Two Netting Member''), which defined term would be revised by this filing to include a CCIT Member.

F. Proposed Changes to GSD Rule 5 (Comparison System)

Conforming changes would be made to GSD Rule 5 (Comparison System) to reference obligations between a Netting Member and a CCIT Member (or Joint Account, as applicable) with respect to novation.

G. Proposed Changes to GSD Rule 22C (Interpretation in Relation to the Federal Deposit Insurance Corporation Act of 1991)

Conforming changes would be made to GSD Rule 22C, formerly GSD Rule 22B Section (c), in order to establish that any actions taken under Section 11(e) of proposed GSD Rule 3B constitute remedies under a ''security agreement or arrangement or other credit enhancement.'' [30]

H. Proposed Changes to GSD Rule 24 (Charges for Services Rendered)

Conforming changes would be made to GSD Rule 24 (Charges for Services Rendered) to provide that CCIT Members would be responsible for all fees pertaining to their CCIT Member activity as set forth in the *Fee Structure.* Such fees would be applied at the Joint Account level where applicable.

I. Proposed Changes to GSD Rule 30 (Lists To Be Maintained)

Conforming changes would be made to GSD Rule 30 (Lists to be Maintained) to reflect that FICC would maintain lists of all CCIT Members (and their Joint Account Submitters, as applicable) and that such lists would be made available to Members upon request.

J. Proposed Changes to GSD Rule 49 (DTCC Shareholders Agreement)

The proposed changes to Section 3 of GSD Rule 49 (DTCC Shareholders Agreement) would provide that all Tier Two Members, including CCIT Members and Netting Members whose membership type has been designated as a ''Tier Two Member'' type by FICC pursuant to GSD Rule 2A (Initial Membership Requirements), are Voluntary Purchaser Participants.

(iii) Impact of the Proposed CCIT Service on Various Persons

The proposed CCIT Service would be voluntary. Institutional cash lenders that wish to become CCIT Members and Netting Members that wish to participate in the proposed CCIT Service would have an opportunity to review the proposed rule change and determine if they would like to participate. Choosing to participate would make these entities subject to all of the rule changes that would be applicable to the proposed CCIT Service as described below.

The proposed CCIT Service would affect institutional cash lenders that choose to become CCIT Members because it would impose various requirements on them. These requirements include, but are not limited to, the following sections of proposed GSD Rule 3B: (1) Eligibility and initial application requirements as specified in Sections 1, 2, 3 and 4; (2) on-going membership requirements as specified in Section 5; (3) loss allocation requirements as specified in Section 7; (4) trade submission requirements as specified in Section 9; (5) netting and settlement requirements as specified in Section 11; (6) funds-only settlement requirements as specified in Section 13; and (7) liquidity requirements in the event of a default of a Netting Member with whom such CCIT Member has traded as specified in Section 14.

Specific details on the requirements and the manner in which the proposed CCIT Service would affect institutional cash lenders that choose to become CCIT Members can be found above in *Section (ii)—Detailed Description of the Proposed Rule Changes Related to the Proposed CCIT Service.*

[29] GSD Rule 49, DTCC Shareholders Agreement.

[30] Certain other proposed changes to GSD Rule 22B unrelated to the establishment of the proposed CCIT Service are described below in Item II(B)(iv).

The proposed CCIT Service would affect Netting Members that choose to participate in the service because it would impose various requirements on them. These requirements include, but are not limited to, the funds-only settlement requirements as specified in Section 13 of proposed GSD Rule 3B.

Specific details on these requirements and the manner in which the proposed CCIT Service would affect Netting Members that choose to participate in the proposed CCIT Service are described above in *Section (ii)—Detailed Description of the Proposed Rule Changes Related to the Proposed CCIT Service.*

(iv) Other Proposed Rule Changes

This filing contains proposed rule changes that are in addition to the ones related to the establishment of the proposed CCIT Service. The proposed rule changes that are not related to the proposed CCIT Service would provide specificity, clarity and additional transparency to the GSD Rules as described below.

A. Proposed Changes to GSD Rule 2A (Initial Membership Requirements)

Section 3 of GSD Rule 2A governs the admission criteria and membership qualifications and standards for Comparison-Only Members.

FICC is proposing to amend Section 3(a) of GSD Rule 2A because FICC interprets this Section as applying specifically to the operational capability requirement for applicants to become Comparison-Only Members, but the existing rule text is more broadly written. In order to align the rule text with FICC's interpretation of the requirement of this Section, FICC is proposing to amend the rule text to provide that it applies only with respect to the operational capability requirement for applicants that wish to become Comparison-Only Members.[31]

B. Proposed Changes to GSD Rule 3 (Ongoing Membership Requirements)

GSD Rule 3 governs ongoing standards for Members.[32]

Section 7 of GSD Rule 3 relates to a Member's ongoing obligation to inform FICC, both orally and in writing, if it is no longer in compliance with any of the relevant qualifications. This includes, but is not limited to, a Member's ongoing obligation to notify FICC within two business days of learning of an investigation or proceeding to which it is or is becoming the subject of that would cause the Member to fall out of compliance with any of the relevant qualifications and standards for membership set forth in GSD Rules 2, 2A and 3. FICC is proposing to change the rule text in order clarify that this obligation to notify FICC arises at the point in time that such Member learns that an investigation or proceeding would cause it to fall out of compliance (and not before such time). FICC believes that the proposed change provides Members with clarity on the point in time at which a Member is required to notify FICC. Certain other conforming and typographical changes would also be made to this Section.

Section 10 of GSD Rule 3 provides that a Member's books and records, insofar as they relate to such Member's transactions processed through FICC, would be required to be open to the inspection of the duly authorized representatives of FICC in accordance with the provisions of this Section. In light of the fact that Registered Investment Companies are permitted to be Netting Members under GSD Rule 3, and Registered Investment Company trading activity is typically controlled by a separate investment adviser, FICC proposes to amend Section 10 to require that, in addition to having access to the books and records of the Registered Investment Company Netting Member itself (as is required under current GSD Rule 3), that FICC also have access to the books and records of the Controlling Management of a Registered Investment Company Netting Member in accordance with the provisions of this Section.

Section 13 of GSD Rule 3 governs Comparison-Only Members' and Netting Members', as applicable, election to terminate their GSD membership. Currently, this rule states that a Comparison-Only Member's or Netting Member's, as applicable, request to terminate its GSD membership will not be effective until accepted by FICC. Because the existing rule is open-ended with respect to FICC's duty to accept such Member's request to terminate its membership and such open-endedness could create uncertainty for a Member that wishes to terminate its GSD membership as to when such termination will be effective, FICC is proposing to amend this section to provide that a Member's written notice of its termination would not be effective until accepted by FICC, which acceptance could be no later than 10 Business Days after the receipt of the written notice from such Member.

C. Proposed Changes to GSD Rule 4 (Clearing Fund and Loss Allocation)

Section 5 of GSD Rule 4 governs FICC's use of Clearing Fund deposits. FICC proposes to correct an out-of-date cross-reference and make a typographical correction to this section.

D. Proposed Changes to GSD Rule 20 (Special Provisions For GCF Repo Transactions) and the Schedule of GCF Timeframes

Section 3 of GSD Rule 20 governs FICC's collateral allocation requirements for each Netting Member in a GCF Net Funds Borrower Position or GCF Net Funds Lender Position.

FICC proposes to amend Section 3 of GSD Rule 20 to require that all GCF Repo Transactions be fully collateralized at the time established by FICC in the *Schedule of GCF Timeframes,*[33] and to amend the *Schedule of GCF Timeframes* to establish 9:00 New York Time as the deadline for satisfaction of such requirement. FICC also proposes to amend Section 3 of GSD Rule 20 to prohibit a Member that receives collateral in the GCF Repo process (*i.e.,* a Member with a Collateral Allocation Entitlement) from withdrawing the securities or cash collateral that such Member receives.

E. Proposed Changes to GSD Rule 22B (Corporation Default)

GSD Rule 22B describes specific events that would cause a Corporation Default[34] and the effect of this default on Transactions that have been submitted to FICC.

FICC proposes to amend GSD Rule 22B to specify the steps that Members would need to take in the event of a Corporation Default. The proposed rule changes to subsection (a) of GSD Rule 22B would state that upon the immediate termination of the open Transactions between Members that have been novated to FICC, such Members would be required to promptly take market action to close out such positions. Each Member would then report the results of the market action to the Board. FICC believes that the proposed change would be helpful to Members and would promote clarity

[31] The operational capability requirement is also applicable to applicants to become Netting Members, pursuant to GSD Rule 2A, Section 4. GSD Rule 2A, Initial Membership Requirements.

[32] Pursuant to the GSD Rules, the term ''Member'' means a ''Comparison-Only Member'' or a ''Netting Member.'' The term ''Member'' also includes a Sponsoring Member in its capacity as a Sponsoring Member and a Sponsored Member, each to the extent specified in GSD Rule 3A. GSD Rule 1, Definitions. This filing would amend this definition to include CCIT Members to the extent specified in proposed GSD Rule 3B.

[33] The *Schedule of GCF Timeframes* is an appendix to the GSD Rules.

[34] Subsection (b) of GSD Rule 22B describes the events that would cause FICC to be in default to its Members. GSD Rule 22B, Corporation Default.

and transparency with respect to the process surrounding a Corporation Default.

F. Proposed Changes to GSD Rule 35 (Financial Reports)

FICC proposes to amend GSD Rule 35 (Financial Reports) to add a provision to reflect FICC's current practice of having its independent public accountants conduct an annual study and evaluation of FICC's system of internal accounting controls with respect to the safeguarding of participants' assets, prompt and accurate clearance and settlement of securities transactions, and the reliability of related records. Such study and evaluation is conducted in accordance with the standards established by the American Institute of Certified Public Accountants and is made available to all Members within a reasonable time upon receipt from FICC's independent accountants.

Anticipated Effect on and Management of Risk

FICC proposes to address and manage the liquidity, market, credit and operational risks that may be presented by the establishment of the proposed CCIT Service as detailed below.

The proposed CCIT Service is structured in a manner that allows FICC to protect itself from associated liquidity risk that may arise from this proposed service.

The proposed rule change would require a rule-based committed liquidity facility in the form of the CCIT MRA. CCIT Members that have outstanding CCIT Transactions with a Defaulting Member would be required to enter into CCIT MRA Transactions up to the aggregate total principal dollar amount of their outstanding CCIT Transactions with the Defaulting Member.

The proposed rule change would also permit, but not require, all CCIT Members to enter into liquidity repurchase transactions with FICC that would provide FICC with additional potential sources of liquidity in the event that it ceases to act for any Member.[35]

The proposed rule change would also protect FICC from market risk in the event of a CCIT Member's default in the form of the perfected security interest in FICC's favor in each CCIT Member's underlying repo securities. In the event that FICC ceases to act for a CCIT Member, FICC would obtain and deliver the underlying repo securities to the CCIT Member's solvent counterparty. As a result of this perfected security interest, CCIT Members would not present market risk because FICC would not be required to take market action to purchase the underlying repo securities. As a result, FICC believes it is appropriate from a risk management perspective not to require a Required Fund Deposit from CCIT Members.

Credit risk would be managed through our appropriate minimum financial standards, on-boarding and monitoring of each CCIT Member.

FICC's ability to leverage the processes and infrastructure of the GCF Repo Service would enable FICC to mitigate operational risk since the GCF Repo Service has been in existence for many years.

Consistency With the Clearing Supervision Act

The proposed CCIT Service as described in detail above would be consistent with Section 805(b) of the Clearing Supervision Act.[36] The objectives and principles of Section 805(b) of the Clearing Supervision Act are to promote robust risk management, promote safety and soundness, reduce systemic risks, and support the stability of the broader financial system.[37]

FICC believes that the proposed CCIT Service would promote robust risk management, promote safety and soundness, reduce systemic risks, and support the stability of the broader financial system, consistent with the objectives and principles of Section 805(b) of the Clearing Supervision Act cited above.

By providing for sufficient liquidity resources for FICC to settle the obligations of a CCIT Member's defaulted Netting Member pre-novation counterparty in the form of the CCIT MRA and by protecting FICC from market risk in the event of a CCIT Member's default in the form of the perfected security interest in FICC's favor in each CCIT Member's underlying repo securities, FICC believes the proposed CCIT Service would promote robust risk management, consistent with the objective and principles of Section 805(b) of the Clearing Supervision Act cited above.

Moreover, by expanding the availability of GSD's infrastructure to institutional cash lenders, FICC believes that the proposed CCIT Service would help to safeguard the tri-party repo market by (i) decreasing settlement and operational risk (by making a greater number of transactions eligible to be netted and subject to guaranteed settlement, novation, and independent risk management through FICC), (ii) lowering the risk of liquidity drain in the tri-party repo market (through FICC's guaranty of completion of settlement for a greater number of eligible tri-party repo transactions), and (iii) protecting against fire sale risk (through FICC's ability to centralize and control the liquidation of a greater portion of a failed counterparty's portfolio). Therefore, FICC believes that the proposed CCIT Service would promote safety and soundness, reduce systemic risks and support the stability of the broader financial system, consistent with the objective and principles of Section 805(b) of the Clearing Supervision Act cited above.

The proposal is also consistent with Rules 17Ad–22(d)(2) and (d)(9), promulgated under the Act. Rule 17Ad–22(d)(2) requires, in part, that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to ''require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency.'' [38] Rule 17Ad–22(d)(9) requires that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to ''provide market participants with sufficient information for them to identify and evaluate the risks and costs associated with using its services.'' [39] In connection with the establishment of the proposed CCIT Service, FICC would make certain modifications to the GSD Rules (as described above) in order to create the requirements that would be applicable to CCIT Members, including initial and on-going financial responsibility and operational capacity requirements, as well as the requirements that would be applicable to Netting Members with respect to their participation in the proposed CCIT Service. If approved, the requirements applicable to the proposed CCIT Service would become part of the GSD Rules, which are publicly available on The Depository Trust & Clearing Corporation's Web site (*www.dtcc.com*), and market participants would be able to review them in connection with their evaluation of potential participation in the proposed CCIT Service. Therefore, FICC believes the proposed rule change

[35] Pursuant to a telephone call with FICC's internal counsel on March 16, 2017, staff in the Office of Clearance and Settlement revised this sentence to clarify that the proposed rule change would ''permit, but not require, all CCIT Members to enter into liquidity repurchase transactions with FICC . . .'' to provide FICC with additional potential sources of liquidity. FICC inadvertently stated that the proposed rule change would ''require'' CCIT Members to enter into ''uncommitted'' liquidity repo transactions.

[36] 12 U.S.C. 5464(b).

[37] *Id.*

[38] 17 CFR 240.17Ad–22(d)(2).

[39] 17 CFR 240.17Ad–22(d)(9).

would ''require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency'' and ''provide market participants with sufficient information for them to identify and evaluate the risks and costs associated with using its services,'' consistent with the requirements of Rules 17Ad–22(d)(2) and (d)(9), cited above.

III. Date of Effectiveness of the Advance Notice, and Timing for Commission Action

The proposed change may be implemented if the Commission does not object to the proposed change within 60 days of the later of (i) the date that the proposed change was filed with the Commission or (ii) the date that any additional information requested by the Commission is received. The clearing agency shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend the period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date the advance notice is filed, or the date further information requested by the Commission is received, if the Commission notifies the clearing agency in writing that it does not object to the proposed change and authorizes the clearing agency to implement the proposed change on an earlier date, subject to any conditions imposed by the Commission.

The clearing agency shall post notice on its Web site of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the Advance Notice is consistent with the Clearing Supervision 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–FICC–2017–803 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–FICC–2017–803. 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 Advance Notice that are filed with the Commission, and all written communications relating to the Advance Notice 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 FICC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FICC–2017–803 and should be submitted on or before April 24, 2017.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06976 Filed 4–6–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80364; File No. SR–CHX–2017–04]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Adopt the CHX Liquidity Enhancing Access Delay

April 3, 2017.

On February 10, 2017, the Chicago Stock Exchange, Inc. (''CHX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt the CHX Liquidity Enhancing Access Delay. The proposed rule change was published for comment in the **Federal Register** on February 21, 2017.[3] The Commission has received 9 comments on the proposal, including a response from the Exchange.[4]

Section 19(b)(2) of the Act [5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is April 7, 2017.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80041 (February 14, 2017), 82 FR 11252.

[4] *See* letters from: (1) Ryan Hitch, Head of Equities Trading, XR Securities LLC, dated February 24, 2017; (2) Douglas A. Cifu, Chief Executive Officer, Virtu Financial LLC, dated February 27, 2017; (3) Joanna Mallers, Secretary, FIA Principal Traders Group, dated March 13, 2017; (4) Adam Nunes, Head of Business Development, Hudson River Trading LLC, dated March 13, 2017; (5) R.T. Leuchtkafer, dated March 14, 2017; (6) Stephen John Berger, Managing Director, Government & Regulatory Policy, Citadel Securities, dated March 14, 2017; (7) Tyler Gellasch, Executive Director, Healthy Markets Association, March 17, 2017; (8) Elizabeth K. King, General Counsel and Corporate Secretary, New York Stock Exchange, dated March 20, 2017; and (9) James G. Ongena, Executive Vice President and General Counsel, CHX, dated March 24, 2017. All comments on the proposed rule change are available at: *https://www.sec.gov/comments/sr-chx-2017-04/chx201704.htm*.

[5] 15 U.S.C. 78s(b)(2).

The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change and the comments. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates May 22, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CHX–2017–04).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06911 Filed 4–6–17; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 9954]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Berlin and Los Angeles: Space for Music'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985;), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that objects to be included in the exhibition ''Berlin and Los Angeles: Space for Music,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Getty Research Institute at the Getty Center, Los Angeles, California, from on or about April 25, 2017, until on or about July 30, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–06978 Filed 4–6–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9953]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Eyewitness Views: Making History in 18th-Century Europe'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition ''Eyewitness Views: Making History in 18th-Century Europe,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at J. Paul Getty Museum at the Getty Center, Los Angeles, California, from on or about May 9, 2017, until on or about July 30, 2017, at the Minneapolis Institute of Art, Minneapolis, Minnesota, from on or about September 10, 2017, until on or about December 31, 2017, at the Cleveland Museum of Art, Cleveland, Ohio, from on or about February 25, 2018, until on or about May 20, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–06977 Filed 4–6–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification: Pilots and Flight Instructors

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 reinstate a previously approved information collection. FAA regulations prescribe certification standards for pilots, flight instructors, and ground instructors. The information collected is used to determine compliance with applicant eligibility.

DATES: Written comments should be submitted by June 6, 2017.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Federal Aviation Administration, ASP–110, 800 Independence Ave. SW., Washington, DC 20591.

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.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0021.

Title: Certification: Pilots and Flight Instructors.

Form Numbers: FAA Forms 8710–1.

Type of Review: Reinstatement of an information collection.

Background: Title 14 of the Code of Federal Regulations part 61 (14 CFR part 61) Certification: Pilots, Flight Instructors, and Ground Instructors prescribes minimum standards and requirements for the issuance of airman certificates, and establishes procedures for applying for airman certificates. The Airman Certificate and/or Rating Application form and the required records, logbooks and statements required by the federal regulations are submitted to Federal Aviation Administration (FAA) Flight Standards District Offices or its representatives to determine qualifications of the applicant for issuance of a pilot or instructor certificate, or rating or authorization.

Respondents: Approximately 1,196,653 responses.

Frequency: On occasion.

Estimated Average Burden per Response: 25 minutes.

Estimated Total Annual Burden: 330,501 hours.

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

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2017–07011 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0066; Notice 2]

Bridgestone Americas Tire Operations, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Bridgestone Americas Tire Operations, LLC (BATO), has determined that certain Bridgestone VSB heavy-duty radial truck tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 Kilograms (10,000 pounds) and Motorcycles.* BATO filed a noncompliance report dated April 7, 2016. BATO then petitioned NHTSA on May 5, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on this decision contact Abraham Diaz, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5310, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. Overview: Bridgestone Americas Tire Operations, LLC (BATO), has determined that certain Bridgestone VSB heavy-duty radial truck tires do not fully comply with paragraph S6.5(d) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 Kilograms (10,000 pounds) and Motorcycles.* BATO filed a report dated April 7, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* BATO then petitioned NHTSA on May 5, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and their implementing regulations at 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on June 29, 2016, in the **Federal Register** (81 FR 42394). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2016–0066.''

II. Tires Involved: Affected are approximately 1,167 Bridgestone VSB heavy-duty radial truck tires used mainly in a military application. Other instances include a few off-road logging applications and a single on-road snow plow vehicle for single load application. The affected tires were manufactured between April 5, 2015, and March 30, 2016.

III. Noncompliance: BATO stated that the subject tires are rated for both a single and a dual load and are marked with the proper maximum load rating and inflation pressure for a single load. However, they are not marked with the dual load information. As a result, the tires do not fully comply with paragraph S6.5(d) of FMVSS No. 119.

IV. Rule Text: Paragraph S6.5(d) of FMVSS No. 119 provides, in pertinent part:

> S6.5 Tire markings. Except as specified in this paragraph, each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of this section . . .
>
> (d) The maximum load rating and corresponding inflation pressure of the tire, shown as follows:
>
> (Mark on tires rated for single and dual load): Max load single __ kg (__ lb) at __ Pa (__ psi) cold. Max load dual __ kg (__ lb) at __ kPa (__ psi) cold.
>
> (Mark on tires rated only for single load): Max load __ kg (__ lb) at __ kPa (__ psi) cold. . .

V. Summary of BATO's Petition: BATO described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety. BATO states that the subject tires meet or exceed all of the performance requirements of FMVSS No. 119. BATO also contends that the missing dual load information has no effect on the performance of the subject tires and that the subject tires were tested and passed at the single tire load, which is higher and more punishing than that of the dual tire load.

BATO asserted that NHTSA has previously granted inconsequential noncompliance petitions similar to the subject noncompliance.

BATO submitted a supplemental letter to the agency dated September 23, 2016, which provided information about the use of the affected tires. BATO accounted for 100% of the affected tires as follows:

1. BATO stated that approximately 90% of all affected tires were sold to a customer using the tires on an M911 Heavy Equipment Transporter (HET) used by the U.S. Army. The M911 HET uses the subject tires in dual-load configuration. The dual-load configuration is used on the third and fourth axles. BATO provided an excerpt of the U.S. Army Technical Manual for vehicle M911. In the manual, the vehicle manufacturer specifies the maximum load for the third and fourth tandem axles as 65,000 lbs. Because there are 8 tires total on these two axles, this corresponds to 8,125 lbs per tire. BATO further states that from the Tire and Rim Association (TRA) Year Book, the subject tires are rated for 9,410 lbs in dual-load applications when inflated to 85 psi. Thus, in a maximum-load condition, the subject tires each have 1,285 lbs of reserve load (nearly 14%) when used in the only known on-road

dual-application positions on Axles 3 and 4 as stated by BATO.

2. BATO stated that two tires were sent to a customer using the affected tires in a single-load application on a heavy-duty snowplow and that the proper maximum loading information for single-load is marked on the sidewall of the tire.

3. BATO stated that about 10% of the subject tires were sold to customers that use these tires on private or unpaved roads. These customers are using the tires on logging trailers at forestry sites and on equipment trailers at oil exploration sites. In both cases, these off-road trailers are operated almost exclusively on unpaved, private roads, and are not considered to be ''motor vehicles'' as defined by the Motor Vehicle Safety Act. See 49 U.S.C. 30102(a)(6) which defines a ''motor vehicle'' as one that is ''manufactured primarily for use on public streets, roads and highways''.

BATO added that the subject tires are performing extremely well in the field. The subject tires have been in the market for up to 17 months (manufactured dates range from April 5, 2015, to March 30, 2016), and there is no indication of problems related to potential overload. BATO included that there have been no claims, lawsuits, adjustments, accidents, collisions or losses of control related to the subject tires.

4. BATO states that NHTSA has previously granted petitions in which the ''dual'' maximum load information was marked incorrectly on the subject tires. BATO specifically cited Michelin 69 FR 62512; October 26, 2004, and Michelin 71 FR 77092; December 22, 2006.

BATO concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA's Decision

NHTSA's Analysis: NHTSA agrees that the noncompliance is inconsequential to motor vehicle safety. However, NHTSA has some reservations about BATO's petition. NHTSA's analysis of BATO's points are described below:

BATO asserted that NHTSA has previously granted inconsequential noncompliance petitions that are similar to the subject noncompliance. NHTSA responds that those petitions are not similar because they are cases involving specific conditions in which both the ''Single'' and ''Dual'' loads were marked on the sidewall of the tire and the ''Dual'' loads were within the safety factor range associated for similar tires of its size. (See Michelin 71 FR 77092; Dec. 22, 2006, and Michelin 69 FR 62512; October 26, 2004.)

BATO states that the subject tires meet or exceed all of the performance requirements of FMVSS No. 119 which were tested and passed at the single tire load, which is higher and more punishing than that of the dual tire load. NHTSA does not find this to be a compelling argument. NHTSA does not agree that complying to the standard when tested in the manufacturer's single load specification negates the necessity for the tire to be properly marked with the correct dual load rating which, intentionally, is lower than the single load rating. The dual load rating is necessary to ensure a factor of safety during on road use conditions involving a dual-load configuration.

What NHTSA finds relevant to a decision of inconsequential noncompliance is that the use of the subject tires is restricted to three specific cases: vehicles using the tires only in a single-load configuration; Vehicles the agency has determined to be off-road vehicles; and military vehicles. The analysis of each of these scenarios follows:

First, BATO indicated that two of the subject tires were sold for use on a heavy-duty snowplow. The heavy-duty snowplow that uses these tires uses them exclusively in a single load application. The subject tires are marked properly on the sidewall for single load application and thus an end-user would be able to load the vehicle properly. Therefore, NHTSA agrees that in this specific case, the noncompliance is inconsequential to safety.

Second, approximately 10% of the subject tires are used exclusively for off-road forestry logging and oil site exploration. In a letter dated July 25, 2011, NHTSA's Office of Chief Counsel communicated to the Michigan Association of Timbermen the following: ''NHTSA has issued several interpretations of this language. We have stated that vehicles equipped with tracks, agricultural equipment, and other vehicles incapable of highway travel are not motor vehicles. We have also determined that certain vehicles designed and sold solely for off-road use (*e.g.,* airport runway vehicles and underground mining vehicles) are not motor vehicles, even if they may be operationally capable of highway travel.'' In light of this, NHTSA agrees that in the case of the subject tires, the noncompliance is inconsequential as it relates to motor vehicle safety because the tires are not used on public roads.

Finally, approximately 90% of the subject tires were sold to the U.S. Army for use on M911 HET military vehicles. In this application, the M911 HET technical manual specifies the tire inflation pressure to be 85 psi and limits the tire loading to 8,125 lbs per tire due to the vehicle's axle design. BATO claims that the subject tires were designed and certified to meet a dual-load limit of 9,410 lbs at 85 psi, a fact corroborated by the TRA year book, and that each tire would have 1,285 lbs of reserve load (nearly 14%). For these reasons, NHTSA believes that the subject tires have sufficient capacity for the expected loads during usage on the M911 HET military vehicles. Based on the restrictions within the military manual, the culture of the military to comply with such documentation, and the high level of maintenance that military vehicles receive, NHTSA further believes that these tires will not be used in an overloaded configuration. Therefore, the noncompliance is inconsequential to vehicle safety in this instance.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that BATO has met its burden of persuasion that in these specific vehicle applications, the FMVSS No. 119 noncompliance is inconsequential to motor vehicle safety. Accordingly, BATO's petition is hereby granted and BATO is exempted from the obligation of providing notification of, and remedy for, the noncompliance.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06952 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA- 2016–0130; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming Model Year 2014 EMU Camper Trailer 4x4 Extreme Adventure Trailers Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that model year (MY) 2014 EMU Camper Trailer 4x4 Extreme Adventure trailers that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is May 8, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(B), a motor vehicle, including a trailer, that was not originally manufactured to conform to all applicable FMVSS, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

G&K Automotive Conversion Inc. (G&K), of Santa Ana, California (Registered Importer R–90–007) has petitioned NHTSA to decide whether nonconforming MY 2014 EMU Camper Trailer 4x4 Extreme Adventure trailers are eligible for importation into the United States. G&K believes these vehicles are capable of being modified to meet all applicable FMVSS.

G&K submitted information with its petition intended to demonstrate that MY 2014 EMU Camper Trailer 4x4 Extreme Adventure trailers are capable of being altered to comply with all applicable standards to which they were not originally manufactured to conform.

Specifically, the petitioner contends that the nonconforming MY 2014 EMU Camper Trailer 4x4 Extreme Adventure trailers meet or are capable of being altered to meet the following standards, in the manner indicated:

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: Installation of the following U.S.-certified components as necessary to meet the requirements of the standard: front and rear side marker lamps, stop lamps, taillamps, turn signal lamps, front clearance lamps, and side and rear mounted reflex reflectors.

Standard No. 119 New pneumatic tires for motor vehicles with a GVWR of more than 10,000 pounds: Replacement of any nonconforming tires with tires that conform to the standard.

Standard No. 120 Tire Selection and Rims and motor home/recreation vehicle trailer: Installation of the required tire information placard.

G&K further states that labels will be affixed to conform to requirements of 49 CFR part 567 Certification.

This notice of receipt of G&K petition does not represent any agency decision or other exercise of judgment concerning the merits of the petition. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06950 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0011; Notice 1]

Daimler Trucks North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Daimler Trucks North America, LLC (DTNA), has determined

that certain model year (MY) 2016–2017 Freightliner trucks do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays.* DTNA filed a noncompliance report dated January 19, 2017, and amended on January 25, 2017. DTNA also petitioned NHTSA on January 20, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is May 8, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Daimler Trucks North America (DTNA), has determined that certain model year (MY) 2016–2017 Freightliner trucks do not fully comply with Table 2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays.* DTNA filed a noncompliance report dated January 19, 2017, and amended on January 25, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* DTNA also petitioned NHTSA on January 20, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of DTNA's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Affected are approximately 81,641 MY 2016–2017 versions of the following trucks, manufactured between March 2, 2015 and September 8, 2016:

- Freightliner 108SD
- Freightliner Business Class M2
- Freightliner Cascadia
- Freightliner 114SD

III. Noncompliance: DTNA explains that the noncompliance is that the Low Brake Air Pressure telltale for air brake systems displays the word ''BRAKE'' and a message on an adjacent display screen says ''LOW AIR'', rather than the words ''BRAKE AIR,'' as specified in Table 2 of FMVSS No. 101. DTNA states that the telltale is accompanied by an audible alert and pressure gauges.

IV. Rule Text: Paragraph S5 of FMVSS No. 101 provides: ''Each passenger car, multipurpose passenger vehicle, truck and bus that is fitted with a control, a telltale, or an indicator listed in Table 1 or Table 2 must meet the requirements of this standard for the location, identification, color, and illumination of that control, telltale or indicator.''

Paragraph S5.2.1 of FMVSS No. 101 provides, in pertinent part: ''. . . each control, telltale and indicator that is listed in column 1 of Table 1 or Table 2 must be identified by the symbol specified for it in column 2 or the word or abbreviation specified for it in column 3 of Table 1 or Table 2.''

Table 2 appears as follows:

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Table 2
Identifiers for
Controls, Telltales and Indicators with
No Color or Illumination Requirements

Column 1 ITEM	Column 2 SYMBOL	Column 3 WORD(S) OR ABBREVIATION
Hand Throttle Control	—	Throttle
Engine Start Control	—	Engine Start[1]
Manual Choke Control	—	Choke
Odometer	—	Kilometers or km, if kilometers are shown. Otherwise, no identifier is required. [2]
Horn		Horn
Master Lighting Switch	[3]	Lights
Headlamps and Taillamps Control	—	— [4,5]
Low Brake Air Pressure Telltale (for vehicles subject to FMVSS 121)	—	Brake Air
Seat Belt Unfastened Telltale	or	Fasten Belts or Fasten Seat Belts

Notes:

1. Use when engine control is separate from the key locking system.
2. Any combination of upper- or lowercase letters may be used.
3. Framed areas may be filled.
4. If a line appears in Column 2 and Column 3, the Control, Telltale or Indicator is required to be identified, however the form of the identification is the manufacturer's option.
5. Separate identification not required if function is combined with Master Lighting Switch.

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V. Summary of DTNA's Petition: DTNA described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, DTNA submitted the following reasoning:

(a) DTNA notes that the purpose of the low brake air pressure telltale is to alert the driver to a low air condition, consistent with the requirements of FMVSS No. 121, S5.1.5 (warning signal). The word ''BRAKE'' instead of ''BRAKE AIR,'' together with a message on the display screen saying ''LOW AIR!'' and an audible alert that occurs in the subject vehicles would alert the driver to an air issue with the brake system. Once alerted, the driver can check the actual air pressure by reading the primary and secondary air gauges and seeing the contrasting color on the gauges indicating low pressure.

(b) NHTSA stated in a 2005 FMVSS No. 101 rulemaking that the reason for including vehicles over 10,000 pounds in the requirements of FMVSS No. 101 is that there is a need for drivers of heavier vehicles to see and identify their displays, just as there is for drivers of lighter vehicles. See 70 FR 48295, 48298 (Aug. 17, 2005). The telltale in the subject vehicles saying ''BRAKE'' and the message on the display screen that says ''LOW AIR!'' would allow the driver to see and identify the improper functioning system as was the intent of the rule, thus serving the purpose of the FMVSS No. 101 requirement.

(c) Drivers of commercial vehicles would conduct daily pre-trip inspections of their vehicles paying particular attention to the warning signs and gauges to ensure correct functionality of their vehicles braking system, before driving the vehicle. Drivers therefore would be very familiar with the telltales and other warnings, and their meaning, in the event a low air warning was to occur while the vehicle was driven.

(d) There are two scenarios when a low brake air pressure condition would exist: A parked vehicle and a moving vehicle. Each of these are discussed separately below; in each scenario, there is ample warning provided to the driver of low brake air pressure.

1. Parked Vehicle

The driver of an air-braked vehicle must ensure that the vehicle has enough brake air pressure to operate safely. At startup, the vehicle will likely be in a low air condition. When in a low air

condition the following warnings would occur, conditioning the driver over time as to the purpose of the telltale, message and audible alerts and under what conditions they are activated.

- Red contrasting color of the telltale saying ''BRAKE''
- Message on the display screen that says ''LOW AIR!''
- Audible alert to the driver as long as the vehicle has low air
- Air gauges for the primary and secondary air tanks clearly showing the air pressure in the system
- Red contrasting color on the air gauges indicating when the pressure is low
- Difficulty/inability of releasing the parking brakes with low air
- Reduced drivability if the driver attempts to drive with the parking brakes applied

2. Moving Vehicle

If a low brake air pressure situation occurs while driving, the function of the service brakes may be reduced or lost and, eventually if the pressure gets low enough, the parking brakes will engage. The driver must pull to the side of the road and apply the parking brakes as soon as possible. A loss of brake air pressure while driving represents a malfunctioning brake system and requires immediate action from the driver. Drivers recognize that a telltale illuminated in red represents a malfunction which needs to be remedied.

The following warning would occur if a low air condition occurred while driving.

- Red contrasting color of the telltale saying ''BRAKE''
- Message on the display screen that says ''LOW AIR!''
- Audible alert to the driver as long as the vehicle has low air
- Air gauges for the primary and secondary air tanks clearly showing the air pressure in the system
- Red contrasting color on the air gauges indicating when the pressure is low.

(e) The functionality of both the parking brake system and the service brake system remains unaffected by the ''BRAKE'' telltale used in the subject vehicles.

(f) NHTSA Precedents—DTNA notes that NHTSA has previously granted petitions for decisions of inconsequential noncompliance for similar brake telltale issues. See Docket No. NHTSA–2012–0004, 78 FR 69931 (November 21, 2013) (grant of petition for Ford Motor Company) and Docket No. NHTSA–2014–0046, 79 FR 78559 (December 30, 2014 (grant of petition for Chrysler Group, LLC). In both of these instances, the vehicles at issue did not have the exact wording as required under FMVSS No. 101. The available warnings were deemed sufficient to provide the necessary driver warning. DTNA respectfully suggest that the same is true for the subject vehicles: The red ''BRAKE'' telltale and the ''LOW AIR!'' pop-up message, together with other warnings and alerts, are fully sufficient to warn the driver of a low brake air pressure situation.

DTNA concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that DTNA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after DTNA notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06953 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0142; Notice 1]

Hyundai Motor America, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Hyundai Motor America (Hyundai) has determined that certain model year (MY) 2012–2016 Hyundai Accent motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection.* Hyundai filed a noncompliance information report dated December 12, 2016. Hyundai also petitioned NHTSA on December 16, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is May 8, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive

confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Hyundai Motor America (Hyundai), has determined that certain model year (MY) 2012–2016 Hyundai Accent motor vehicles do not fully comply with paragraph S4.1.5.5.2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection.* Hyundai filed a noncompliance information report dated December 12, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Hyundai also petitioned NHTSA on December 16, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of Hyundai's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 6,445 MY 2012–2016 Hyundai Accent motor vehicles manufactured between May 19, 2011, and July 7, 2016, are potentially involved. The affected vehicles are those equipped with a non-folding rear seat back and sold in the Puerto Rico and Guam markets.

III. Noncompliance: Hyundai explains that the noncompliance is that the affected vehicles are equipped with a non-folding rear seat back and a center rear seat belt incorporating a release mechanism that detaches both the lap and shoulder portion at the lower anchorage point and therefore do not meet the requirements of paragraph S4.1.5.5.2 of FMVSS No. 208. Under FMVSS No. 208, a detachable seat belt in the middle seat is allowed only in vehicles with a folding rear seat.

IV. Rule Text: Paragraph S4.1.5.5.2 of FMVSS No. 208 states in pertinent part:

> S4.1.5.5.2 Any inboard designated seating position on a seat for which the entire seat back can be folded (including the head restraints and any other part of the vehicle attached to the seat back) such that no part of the seat back extends above a horizontal plane located 250mm above the highest SRP located on the seat may meet the requirements of S4.1.5.5.1 by use of a belt incorporating a release mechanism that detaches both the lap and shoulder portion at either the upper or lower anchorage point, but not both. The means of detachment shall be a key or key-like object . . .

V. Summary of Hyundai's Petition: Hyundai described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Hyundai submitted the following reasoning:

1. The affected vehicles are equipped with a non-folding rear seat back and a center rear seat belt incorporating a release mechanism that detaches both the lap and shoulder portion at the lower anchorage point to allow improved assembly line procedures.
2. Hyundai first became aware of the possibility that the center rear seat belts of the subject vehicles may not comply with S4.1.5.5.2 of FMVSS No. 208 as a result of internal ''port inspections'' of certain model year 2016 Hyundai Accent vehicles. A subsequent investigation revealed previous model year ''RB'' platform Accent vehicles are similarly affected.
3. Hyundai pointed out that 5-door and 4-door Hyundai Accent vehicles equipped with rear folding seats are not affected.
4. The Accent vehicles in question fully comply with FMVSS No. 208 and FMVSS No. 209 requirements with the sole exception that the lap and shoulder portion of the rear center seat belt may be detached from the lower anchorage by use of a tool, such as a key or key-like object.
5. Hyundai states that if the rear seat back of the subject vehicles were capable of being folded (which Hyundai claims would have no effect on seat belt performance) the detachable aspect would not result in a compliance issue.
6. The Owner's Manual in the subject vehicles contains relevant information and illustrations to fasten, unfasten, and disconnect the rear center belt.
7. Hyundai states that it is clear from the intended difficulty in detaching the seat belt and the instructions contained in the Owner's Manual that the seat belt should not be detached. Further, in the Accent with a fixed rear seat back, there is no advantage or reason for the owner to detach the center rear seat belt from the lower anchorage.
8. Hyundai does not believe that it is appropriate to conduct a recall campaign to replace the center rear seat belts in vehicles that have been delivered to customers.
9. Hyundai stated that they are not aware of any accidents or injuries related to the subject noncompliance.

Hyundai concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Hyundai no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Hyundai notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8).

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06954 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0128; Notice 1]

Harley-Davidson Motor Company, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Harley-Davidson Motor Company, Inc. (Harley-Davidson), has determined that certain model year (MY) 2016–2017 Harley-Davidson XL 1200XC Roadster motorcycles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds).* Harley-Davidson filed a noncompliance information report dated November 4, 2016. Harley-Davidson also petitioned NHTSA on November 28, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is May 8, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Harley-Davidson Motor Company, Inc. (Harley-Davidson), has determined that certain model year (MY) 2016–2017 Harley-Davidson XL 1200XC Roadster motorcycles do not fully comply with paragraph S5.3.2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds).* Harley-Davidson filed a report dated November 4, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Harley-Davidson also petitioned NHTSA on November 28, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of Harley-Davidson's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 2,352 MY 2016–2017 Harley-Davidson XL 1200XC Roadster motorcycles manufactured between March 8, 2016 and August 23, 2016 are potentially involved.

III. Noncompliance: Harley-Davidson explains that the noncompliance is that the certification label on the subject vehicles incorrectly identifies the rear wheel rim size as 18 x 4.50 instead of 18 x 4.25, and therefore does not meet the requirements of paragraph S5.3.2 of FMVSS No. 120.

IV. Rule Text: paragraph 5.3 of FMVSS No. 120 states:

> Each vehicle shall show the information specified in S5.3.1. and S5.3.2 . . . in the English language, lettered in block capitals and numerals not less than 2.4 millimeters high and in the format set forth following this paragraph. This information shall appear either:
>
> (a) After each GAWR listed on the certification label required by § 567.4 or § 567.5 of this chapter; or at the option of the manufacturer,
>
> (b) On the tire information label affixed to the vehicle in the manner, location, and form described in § 567.4(b) through (f) of this chapter as appropriate of each GVWR–GAWR combination listed on the certification label.

Paragraph S5.3.2 of FMVSS No. 120 states:

> S5.3.2 Rims. The size designation and, if applicable, the type designation of Rims (not necessarily those on the vehicle) appropriate for those tires.

V. Summary of Harley-Davidson's Petition: Harley-Davidson described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Harley-Davidson submitted the following reasoning:

1. Harley-Davidson believes this labeling noncompliance is inconsequential to motor vehicle safety because consumers have the following sources to reliably identify the correct tire and rim combination:

a. The correct tire size is listed on the sidewall of the tire originally installed on the rim;

b. The correct tire, including tire size, is listed in the Owner's Manual;

c. The correct wheel size is shown in the Original Equipment & Recommended Replacement Tires table in the Harley-Davidson Genuine Motor Parts and Accessories catalog; and

d. The correct wheel size is imprinted in the wheel.

Harley-Davidson believes these sources, particularly the tire size information listed on the rear tire's sidewall, are the most likely places for consumers to look when replacing tires and rims.

2. Harley-Davidson states that NHTSA has granted petitions for inconsequential noncompliance for similar labeling errors regarding the rim size or the omission of the rim size. (Please see Harley-Davidson's petition for a complete list of referenced petitions.)

In these cases Harley-Davidson stated that the agency reasoned that consumers were unlikely to mismatch tires and rims because ''the rim size information can be found in the vehicle's owner's manual or on the rim itself, and the tire size information is available from multiple sources including the owner's manual, the sidewalls of the tires on the vehicle and on the tire placard or information label located on the door or door opening. The rim size can be derived using this tire information.

3. The incorrect rim size on the subject motorcycles' certification label is unlikely to expose operators to a significantly greater risk than an operator riding a compliant motorcycle. Operators have several reliable sources to assist them in correctly matching the rims and tires.

4. Lastly, Harley-Davidson is not aware of any warranty claims, field reports, customer complaints, legal claims, or any incidents or injuries related to the subject condition.

Harley-Davidson concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

To view Harley-Davidson's petition analyses in its entirety you can visit *https://www.regulations.gov* by following the online instructions for accessing the dockets and by using the docket ID number for this petition shown in the heading of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject motorcycles that Harley-Davidson no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Harley-Davidson notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06958 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0072; Notice 2]

Cooper Tire & Rubber Company, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Cooper Tire & Rubber Company (Cooper), has determined that certain Mastercraft and Big O tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles.* Cooper filed a defect report dated May 24, 2016, and amended it on June 1, 2016. Cooper also petitioned NHTSA on June 21, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on this decision contact Abraham Diaz, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5310, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. Overview: Cooper Tire & Rubber Company (Cooper), has determined that certain Mastercraft and Big O tires do not fully comply with paragraph S5.5(f) of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles.* Cooper filed a defect report dated May 24, 2016, and amended it on June 1, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Cooper also petitioned NHTSA on June 21, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and their implementing regulations at 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on August 3, 2016 in the **Federal Register** (81 FR 51267). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2016–0072.''

II. Tires Involved: Affected are 22,188 of the following tubeless radial tires manufactured between February 14, 2016, and April 30, 2016:

- Mastercraft LSR Grand Touring size 215/60R16
- Mastercraft LSR Grand Touring size 225/60R16
- Big O Legacy Tour Plus size 215/60R16
- Big O Legacy Tour Plus size 225/60R16

III. Noncompliance: Cooper explains that due to a mold error, the number of tread plies indicated on the sidewall of the subject tires does not match the actual number of plies in the tire construction. The tires are marked ''TREAD 1 PLY NYLON + 2 PLY STEEL + 2 PLY POLYESTER'' whereas the correct marking should be: ''TREAD 1 PLY NYLON + 2 PLY STEEL + 1 PLY POLYESTER.'' As a consequence, these tires do not meet the requirements specified in paragraph S5.5(f) of FMVSS No. 139.

IV. Rule Text: Paragraph S5.5(f) of FMVSS No. 139 states, in pertinent part:

S5.5 *Tire Markings.* Except as specified in paragraph (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard . . .

(f) The actual number of plies in the sidewall, and the actual number of plies in the tread area, if different.

V. Summary of Cooper's Petition: Cooper described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Cooper submitted the following information pertaining to the subject noncompliance:

(a) Cooper states that the mislabeled number of plies indicated on the sidewalls has no impact on the operational performance or durability of the subject tires or on the safety of vehicles on which those tires are mounted. Cooper states that while the subject tires do not indicate the correct number of plies in the tread on the outboard side, they meet all other performance requirements under the Federal Motor Vehicle Safety Standards. Cooper notes that the number of plies in the tread does not impact the performance or operation of a tire and does not create a safety concern to either the operator of the vehicle on which the tires are mounted, or the safety of personnel in the tire repair, retread and recycle industry.

(b) Cooper also states that the subject tires were built as designed and meet or exceed all performance requirements and testing requirements specified under FMVSS No. 139. Cooper states that the subject tires completed all Cooper Tire internal compliance testing criteria, including passing shipping certification testing in January 2016. In addition, the 215/60R16, Mastercraft LRS Grand Touring, serial week 1116, passed all surveillance testing conducted in early March 2016.

(c) Cooper states that the stamping deviation occurred as a result of an administrative error when incorrect information was entered into Cooper Tire's electronic specification system at the corporate level. That system communicates information to the mold management system which in turn generates the construction stamping pocket plate. The electronic specification system incorrectly listed the specific tire sizes and brands as two-ply, when the tires were actually designed with an HPL construction or as having a single ply in the tread. The incorrect construction information was then engraved in the pocket plate and then installed in the affected molds.

(d) Cooper states that it is not aware of any crashes, injuries, customer complaints, or field reports associated with the mislabeling.

Cooper states that the mislabeling has been corrected at the corporate level and the pocket plates of the molds have been replaced, therefore, no additional tires will be manufactured or sold with the noncompliance. Cooper also states that it has conducted training with tire engineers at the corporate level responsible for inputting information into the electronic specification system on the importance of the information they are submitting.

Cooper observed that NHTSA has previously granted inconsequential noncompliance petitions regarding noncompliances that are similar to the subject noncompliance.

Cooper concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA's Decision

NHTSA's Analysis: The agency agrees with Cooper that the noncompliance is inconsequential to motor vehicle safety. The agency believes that one measure of inconsequentiality to motor vehicle safety in this case is that there is no effect of the noncompliance on the operational safety of vehicles on which these tires are mounted. The safety of people working in the tire retread, repair and recycling industries must also be considered and is a measure of inconsequentiality.

Although tire construction affects the strength and durability of tires, neither the agency nor the tire industry provides information relating tire strength and durability to the number of plies and types of ply cord material in the tread sidewall. Therefore, tire dealers and customers should consider the tire construction information along with other information such as the load capacity, maximum inflation pressure, and tread wear, temperature, and traction ratings, to assess performance capabilities of various tires. In the agency's judgement, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on the number of plies in a tire.

The agency also believes the noncompliance will have no measureable effect on the safety of the tire retread, repair, and recycling industries. The use of steel cord construction in the sidewall and tread is the primary safety concern of these industries. In this case, since the tire sidewalls are marked correctly for the number of steel plies, this potential safety concern does not exist.

NHTSA'S Decision: In consideration of the foregoing, NHTSA finds that Cooper has met its burden of persuasion that the subject FMVSS No. 139 noncompliance in the affected tires is inconsequential to motor vehicle safety. Accordingly, Cooper's petition is hereby granted and Cooper is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject tires that Cooper no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Cooper notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06957 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0127; Notice 1]

Toyota Motor Engineering & Manufacturing North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Toyota Motor Engineering & Manufacturing North America, Inc., on behalf of Toyota Motor Corporation (collectively referred to as ''Toyota''), has determined that certain model year (MY) 2016–2017 Lexus RX350 and RX450H motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 302, *Flammability of Interior Materials.* Toyota filed a noncompliance information report dated November 3, 2016. Toyota also petitioned NHTSA on

November 23, 2016, and provided a supplement to their petition on December 12, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is May 8, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Toyota Motor Corporation (Toyota), has determined that certain model year (MY) 2016–2017 Lexus RX350 and Lexus RX450H motor vehicles do not fully comply with paragraph S4.2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 302, *Flammability of Interior Materials.* Toyota filed a noncompliance information report dated November 3, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Toyota also petitioned NHTSA on November 23, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of Toyota's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 102,075 MY 2016–2017 Lexus RX350 and Lexus RX450H motor vehicles manufactured between September 29, 2015 and October 21, 2016, are potentially involved.

III. Noncompliance: Toyota explains that the noncompliance is that the front and rear seat covers and rear center armrest assemblies in the subject vehicles were manufactured with needle punch felt material that does not meet the burn rate requirements as specified in paragraph S4.2 and S4.3 of FMVSS No. 302.

IV. Rule Text: Paragraph S4.2 of FMVSS No. 302 states:

> S4.2 Any portion of a single or composite material which is within 13 mm of the occupant compartment air space shall meet the requirements of S4.3.

Paragraph S4.3(a) of FMVSS No. 302 states:

> When tested in accordance with S5, material described in S4.1 and S4.2 shall not burn, nor transmit a flame front across its surface, at a rate of more than 102 mm per minute. The requirement concerning transmission of a flame front shall not apply to a surface created by cutting a test specimen for purposes of testing pursuant to S5.

V. Summary of Toyota's Petition: Toyota described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Toyota submitted the following reasoning:

1. The front and rear seats in the subject vehicles are constructed of several layers of soft material mounted on a steel seat frame. The layers of soft material include a leather or synthetic leather seating surface with a cover pad laminated or laminated and sewn underneath, and a needle punch felt material attached to a seat cushion foam pad. The needle punch felt material is used to attach the cover subassembly to the foam pad. The needle punch felt is the only material that does not comply with FMVSS No. 302 requirements. It comprises up to approximately 0.32% of the total mass of the soft material of the front seat assembly, and between 0.48% and 0.55% of the total mass of the soft material of the rear seat assembly, an insignificant mass in relation to the total interior vehicle surfaces required to meet FMVSS No. 302.

2. The needle punch felt material complies with FMVSS No. 302 when tested as a ''composite'' as installed in the vehicle, *i.e.,* along with the surrounding FMVSS No. 302 compliant seat cover, cover pad, foam pad, seat heater, carpet, and storage bin.

3. Toyota testing and design review of the seat heater and its components indicate that the chance of fire or flame induced by a malfunctioning seat heater is essentially zero.

4. The non-complying needle punch felt material would normally not be exposed to open flame or an ignition source (like matches or cigarettes) in its installed application, because it is installed within or completely covered by complying materials that meet FMVSs No. 302.

5. The needle punch felt material is a very small portion of the overall mass of the soft material portions comprising the entire seat assembly and is significantly less in relation to the entire vehicle interior surface area that could potentially be exposed to flame. Therefore, it would have an insignificant adverse effect on interior material burn rate and the potential for occupant injury due to interior fire.

6. Toyota is not aware of any data suggesting that fires have occurred in the field due to the installation of the

non-complying needle punch felt material.

7. In similar situations, NHTSA has granted petitions for inconsequential noncompliance relating to FMVSS No. 302 requirements.

8. To emulate the potential real world conditions that could occur to the relevant soft material portions of the front and rear seats as they are assembled into the subject vehicles, Toyota conducted FMVSS No. 302 burn testing of the seating materials when assembled as a ''composite.'' Toyota chose locations to evaluate that were judged to potentially be the least flame resistant so as to be the most conservative in determining material performance.

Toyota determined synthetic leather to be the least flame resistant surface material to test based on review of the material construction as well as ''composite'' FMVSS No. 302 evaluations performed on the cover subassembly itself. Natural leather made from cow skin contains collagen fibers which are a non-flammable material. Synthetic leather is constructed of flammable urethane resin and polyester fibers which are treated with a flame retardant to achieve flammability requirements.

To identify the potentially least flame resistant ''composite'' sample locations to evaluate Toyota did a thorough design review and ''composite'' testing of the cover assemblies according to FMVSS No. 302 procedures. Toyota tested the cover subassembly for the seat back and cushions at 21 different locations where needle punch felt is used. All locations met FMVSS No. 302 criteria; however, the three locations with the fastest burn rate were selected for further testing as assembled in the subject vehicles. These locations were tested under various conditions to simulate open flame exposure inside the vehicle. The samples were tested in their installed condition; however, in locations where the seat foam is part of the ''composite,'' only the portion which is within the 13 mm of the occupant airspace specified by the standard was tested. When applicable, the seat heater was included in the ''composite'' in its ''OFF'' condition.

a. ''Composite'' Test Results: Toyota provided test results under eight different test conditions. In all test conditions, the samples exhibited burn rates well within the FMVSS No. 302 S4.3(a) requirements (*i.e.,* no more than 102 mm/min), therefore meeting the FMVSS No. 302 criteria. Toyota provided the following table summarizing the test results.

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Table 3. "Composite" Test Result Summary

Part	Location	Seat Heater	Test Condition Burn Rate, mm/min								FMVSS 302 Result
			1	2	3	4	5	6	7	8	
Non F-Sport Fr Cushion & Back	C	without	25	29	N/A	22					ALL PASS
		with	23	56		59					
	K	without	46	53		40					
		with	38	68		59					
All Rr Back	U	N/A	37	33	45	N/A					
F-Sport Fr Cushion	C-C						0	5			
All Rr Armrest	A-A								34	N/A	
	B-B								N/A	42	

[▒] = Test condition is not relevant to the "composite" sample

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As evidenced by testing in the table above, the needle punch felt material complies with FMVSS No. 302 when tested as a ''Composite'' as installed in the vehicle, *i.e.,* along with the surrounding FMVSS No. 302 compliant cover sub-assembly parts, foam pad, seat heater, or storage bin. The non-complying needle punch felt material would not be exposed to open flame or an ignition source (like matches or cigarettes) in its installed application, because it is within or completely covered by complying materials that meet FMVSS No. 302. Given that the purpose of FMVSS No. 302 is to ''reduce the deaths and injuries to motor vehicle occupants caused by vehicle fires, especially those originating in the interior of the vehicle from sources such as matches or cigarettes,'' we believe that the noncompliant needle punch felt material as installed in the vehicle does not present a safety risk, and the chance of fire or flame propagation is essentially zero.

9. In order to evaluate any potential risk associated with the seat heater element as an internal ignition source, a design review and tests were conducted. The findings of the review and tests are outlined below:

a. In all locations, the needle punch felt material never comes in direct contact with a seat heater element wire.

b. The seat heater system has a self-diagnosis function. At ignition ''ON'' a system self-diagnosis check is performed to confirm that the switch, which consists of a relay and an IPD (intelligent Power Device), is operating properly. If the diagnosis detects a fault in the relay and/or the IPD, the system would not allow the seat heater to be turned on. In the unlikely event both the relay and the IPD fail and are stuck in the open position after the self-diagnosis, each seat heater's temperature is still regulated by its

thermostat. Under normal design operating conditions, the thermostat restricts the temperature of the element wire in a range of approximately 50 °C to 100 °C, depending on the specific application. This temperature range is far below the auto-ignition temperature of the needle punch felt, which is approximately 253 °C.

c. The seat heater element wire used in the subject vehicle is of a design which eliminates the potential for localized ''hot spots.'' The heating element wire is comprised of multiple individual filaments insulated from each other by urethane coating. The filaments are connected to each other in parallel rather than in series. In the event that one or more of the filaments are damaged, there is no change in current through the seat heater wire, and therefore no increase in temperature.

Given the findings from the evaluation of the seat heater and its components, Toyota believes that the chance of an ignition internal to the seat induced by a malfunctioning seat heater is essentially zero, and no safety risk is presented.

10. The needle punch felt material is one of several layers of the soft material of the seats which is used for securing components together, improving appearance, and reducing noise. For all seating areas the needle punch felt material is either encased between or covered by other materials which themselves comply with FMVSS No. 302 requirements.

In the vast majority of applications, the needle punch is encased by other FMVSS No. 302 materials. A typical construction consists of the leather seating surface on which an occupant sits. A cover pad is glued to the underside of the leather. The cover and cover pad each comply with FMVSS No. 302. The needle punch felt is sewn to the cover pad assembly, and when so equipped, a layer of seat heater material is attached to the underside, forming a cover sub-assembly. The seat heater complies with FMVSS No. 302 requirements. The cover sub-assembly is then tightly secured over the seat cushion pad foam or seat back pad foam to the seat structure with ''hog'' rings. The seat cushion and seat back foam each comply with FMVSS No. 302 requirements. When so secured, no portion of the needle punch felt material is visible or directly exposed to the occupant compartment. As constructed, it would be highly unlikely that the needle punch felt material would ever be exposed to ignition sources such as matches or cigarettes, identified in S2 of FMVSS No. 302 as a stated purpose of the standard. Because the needle punch felt is completely surrounded by FMVSS No. 302 compliant material, it would be extremely unlikely that a vehicle occupant would ever be exposed to a risk of injury as a result of the noncompliance . . .

11. The needle punch felt material is only a very small part of the overall mass of the soft material comprising the entire seat assembly (*i.e.* up to a maximum of 0.55% depending on the seat and vehicle model), and is significantly less in relation to the entire vehicle interior surface area that could potentially be exposed to flame. Therefore, it would have an insignificant adverse effect on interior material burn rate and the potential for occupant injury due to interior fire.

12. There are no known field events involving ignition of the needle punch felt material as of November 22, 2016. Toyota is not aware of any fires, crashes, injuries or customer complaints involving this component in the subject vehicles.

13. NHTSA has previously granted at least nine FMVSS No. 302 petitions for inconsequential noncompliance, one of which was for a vehicle's seat heater assemblies, one of which was for a vehicle's console armrest, one of which was for large truck sleeper bedding, and six of which were for issues related to child restraints. (For a full list along with summaries of the petitions that Toyota references please see Toyota's petition)

Toyota stated that they have made improvements that were implemented as of October 21, 2016, to assure that any new vehicle sold by Toyota will meet all FMVSS No. 302 requirements.

Toyota concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Toyota no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Toyota notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06955 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0129; Notice 1]

Toyota Motor Engineering & Manufacturing North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Toyota Motor Engineering & Manufacturing North America, Inc., on behalf of Toyota Motor Corporation and certain other specified Toyota manufacturing entities (collectively referred to as ''Toyota''), has determined that certain model year (MY) 2016–2017 Lexus RX350 and Lexus RX450H motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 202a, *Head Restraints.* Toyota filed a noncompliance information report dated November 29, 2016. Toyota also petitioned NHTSA on December 21, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is May 8, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of

Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

• *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.

• Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. *Overview:* Toyota Motor Engineering & Manufacturing North America, Inc. (Toyota), has determined that certain model year (MY) 2016–2017 Lexus RX350 and RX450H motor vehicles do not fully comply with paragraph S4.5 of Federal Motor Vehicle Safety Standard (FMVSS) No. 202a, *Head Restraints.* Toyota filed a noncompliance information report dated November 29, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Toyota also petitioned NHTSA on December 21, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of Toyota's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Approximately 120,748 MY 2016–2017 Lexus RX350 and Lexus RX450H motor vehicles manufactured between September 28, 2016, and November 23, 2016, are potentially involved.

III. *Noncompliance:* Toyota explains that the noncompliance is that when adjusting the rear seat outboard head restraints in the subject vehicles from the first adjustment position to the second, the lock release button must be depressed while the head restraint is being pulled upward. Since this is the same action that is required to remove the head restraint, the requirements of paragraph S4.5 of FMVSS No. 202a are not met.

IV. *Rule Text:* Paragraph S4.5 of FMVSS No. 202a states:

> S4.5 *Removability of head restraints.* The head restraint must not be removable without a deliberate action distinct from any act necessary for upward adjustment . . .

V. *Summary of Toyota's Petition:* Toyota described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Toyota submitted the following reasoning:

1. The rear outboard head restraints continue to meet the underlying purpose of S4.5 of the standard:

a. *Background of S4.5:* Toyota referenced a notice of proposed rulemaking (NPRM) that NHTSA issued in 2001 [1] to upgrade FMVSS No. 202 and stated that its principal focus was to improve performance of front and rear outboard head restraints to mitigate ''whiplash'' injuries, particularly in rear crashes. Toyota stated that the agency recognized that existing adjustable head restraints could be manually removed solely by hand, and not be replaced, thereby creating a greater risk of injury. As a result, the proposed rule stated that removable front seat head restraints would not be permitted, but that due to concerns with rear visibility, removable restraints in the rear would not be prohibited. Toyota stated that the draft rule did not contain any requirement comparable to the one set forth in paragraph S4.5 of FMVSS No. 202a.

Toyota further explained that when NHTSA issued the FMVSS No. 202 Final Rule in 2004,[2] it made a variety of changes from the requirements proposed in the NPRM. One of those was to not require rear seat outboard head restraints, but to impose certain requirements on head restraints that were voluntarily installed. Toyota noted that most of the comments submitted on the NPRM favored removability of both front and rear seat head restraints solely by hand, although some supported a prohibition on removability at all positions, because a removed restraint might not be replaced or correctly reinstalled. Toyota stated that NHTSA ultimately decided to allow head restraint removability for both front and rear restraints, but for both front and rear optional head restraints, specified that removal must be by means of a deliberate action that is distinct from any act necessary for adjustment to ensure that head restraints are not accidentally removed when being adjusted, thereby reducing the likelihood of inadvertent head restraint removal and increasing the chances that vehicle occupants will receive the benefits of properly positioned head restraints. To implement this requirement, the agency added the text in paragraph S4.5. In 2007, the agency amended the standard by adding the word ''upward'' before ''adjustment'' to clarify the upward adjustment and removability aspects of the requirement.

b. *The noncompliance is inconsequential because the rear outboard head restraints meet the underlying purpose of S4.5:* Toyota stated that the rear seat head restraints in the subject vehicles allow manual adjustment by sliding the head restraint in and out of the seat back on stays attached to the head restraint. Position locking is achieved by two notches in one of the stays, allowing for a detent mechanism. Toyota stated that the posts go through plates on top of the seat back, one of which contains a button which is pressed to allow the restraint to be removed. To adjust the height of the head restraint from the fully stowed position on top of the seatback to the first notch on the stay, the restraint is simply pulled upward. To reach the

[1] 66 FR 968 (January 4, 2001).

[2] 69 FR 74848 (December 14, 2004).

second notch, the button must first be pressed to allow the restraint to be lifted; it then will lock in position. To remove the restraint, the button must again be pressed before lifting it out of the seatback. Because the button must be pressed to adjust the restraint from the first notch position to the second, and the same action is required to start the removal process, the restraint does not conform to paragraph S4.5 of FMVSS No. 202a.

Toyota stated that there are three factors, when considered together, that make this noncompliance inconsequential to motor vehicles safety:

i. With the subject head restraints, the necessity to press the release button to move from the first notch to the second, in addition to the need to press it to release the restraint from the second notch to remove it, lessens the ease of removal, thereby reducing the likelihood of inadvertent removal and increasing the chances that the occupant will receive the benefits of a properly positioned head restraint.

ii. The subject vehicle model can be generally described as a mid-sized sports-utility vehicle (SUV). The roofline tends to slope downward toward the rear of the vehicle, and the distance between the top of the head restraint and the headliner is less than in other mid-sized SUV's with a less sloped roofline. The rear seat can be manually adjusted forward and rearward on the seat track for a distance of 120mm from the front position to the rear position. The nominal design seat back position is approximately 27 degrees rearward to the vertical line, and the seat back can be reclined an additional 10 degrees. The seat back folds forward from the nominal design position. (See figure 6 of Toyota's petition).

Given the rear seat design, there are a variety of combinations of seat track and seat back positions that can be attained. Typically the seat would most likely be placed in the mid-track position or rearward for occupant comfort and convenience. From the mid-track position (60mm) rearward there are 30 combinations of seat track/seat back angle combinations for the manually reclining seat back.[3] Of these combinations there are 25 where there would be some degree of interference between the top of the head restraint and the vehicle headliner if someone intended to remove it. To completely remove the restraint from the top of the seat in these 25 combinations, there must be a deliberate action to compress the soft material of the restraint, because it cannot be pulled directly out of the seatback. In some cases the seat back angle would have to be adjusted or the seat moved forward on the seat track before the restraint can be removed without headliner interference. (See figure 7 of Toyota's petition)

Together with the need to press the release button to move the head restraint when in either the first or second notches, such further deliberate actions in many seat adjustment positions of either compressing the restraint material, adjusting the seat slide position, or adjusting the seat back angle lessen the ease with which the restraint can be removed, reduce the chance of accidental removal, and increase the chances that the occupant will receive the benefits of a properly positioned head restraint.

iii. Finally, in addition to the two previously noted factors, it is unlikely that the head restraint will be inadvertently removed as there is a 97.7mm of travel distance from the second notch until the head restraint is fully removed from the seat; this length is much greater than the travel distance between the fully stowed position and second notch (37.5mm). The difference is easily recognized by anyone attempting to adjust the head restraint. (See figure 8 of Toyota's petition) Therefore, the overall design and operation of the rear head restraints in the subject vehicles fulfill the purpose and policy behind the S4.5 requirement.

2. The Design and performance of the rear seat head restraints provides safety benefits to a broad range of occupants and pose no risk of exacerbating whiplash injuries, making the noncompliance inconsequential:

a. Toyota stated that NHTSA elected not to mandate rear seat head restraints in vehicles; however, certain requirements for voluntarily installed rear head restraints were adopted. Toyota stated that the requirements for rear outboard head restraints are common in some respects with those of front seat restraints, but that rear seat environment and usage resulted in several differences. Toyota stated that NHTSA analyzed the usage of rear seats and studied the various types of occupants who typically occupy rear seating positions. Toyota stated that NHTSA found that 10 percent of all occupants sit in rear outboard seats, and that only 5.1 percent of those are people who are 13 years or older. Toyota stated that this justified a difference in the minimum height requirement for front and rear head restraints. The standard requires front integral head restraints to have a height of at least 800mm above the H-point[4] to the top of the restraint; the top of an adjustable restraint must reach at least 800mm and cannot be adjustable below 750mm. Rear outboard head restraints must have a height not less than 750mm in any position of adjustment. Toyota quoted the agency as stating: ''The agency has estimated that a 750mm head restraint height would offer whiplash protection to nearly the entire population of rear seat occupants.''

Toyota stated that the rear outboard restraints in the subject vehicles meet or surpass all the requirements in the completely stowed position and in the first notch position. Toyota stated that there is nothing about the performance of these restraints that poses a risk of exacerbating whiplash injuries and that the noncompliance does not create such a risk.

b. *Rear head restraint height well surpasses the requirements of the standard:* Toyota stated that when NHTSA established height requirements for mandatory front head restraints, an adjustment range was adopted that was estimated to ensure that the top of the head restraint exceeded the head center of gravity for an estimated 93 percent of all adults. Toyota stated that research conducted since the implementation of the previous height requirements has shown that head restraints should be at least as high as the center of gravity of the occupant's head to adequately control motion of the head and neck relative to the torso.

Toyota stated that the rear head restraints in the subject vehicles not only surpass the 750mm requirement for voluntarily installed rear seat restraints, but also can be adjusted to surpass the 800mm requirement applicable to mandatory front seat head restraints. In the fully stowed position, the rear outboard head restraints measure 780mm above the H-point. In the first notch position they are 797mm above the H-point, and in the second notch position they are 816mm above the H-point. (See figure 9 of Toyota's petition)

Toyota stated that it evaluated the height of the rear outboard head restraints in the subject vehicles against the center of gravity of various size occupants. In the first notch position, which can be attained by simply pulling upward on the head restraint in a

[3] Some models are equipped with a power reclining seat back with the same adjustment range as the manual reclining seat back, but which can be replaced in positions between the 2 degree increments of the manual seat back.

[4] The H-point is defined by a test machine placed in the vehicle seat. From the side, the H-point represents the pivot point between the torso and upper leg portions of the test machine, or roughly like the hip joint of a 50th percentile male occupant viewed laterally.

manner compliant with S4.5, the center of gravity of the head of an occupant the size of an AM95 is below the top of the head restraint.[5] (See figure 10 of Toyota's petition) Therefore, for virtually 100 percent of the female adult population of the United States[6] and over 95 percent of the U.S. male adult population, the rear outboard head restraints can help ''adequately control motion of the head and neck relative to the torso'' in a position that can be adjusted in compliance with the standard. It can also protect occupants larger than AM95 occupants when adjusted to the second notch position.

c. Toyota stated that the rear outboard head restraints in the subject vehicles meet and surpass all other performance requirements of the standard not only in the fully stowed position, but also in both the first and second notch positons. These include energy absorption (S4.2.5 and S5.2.5), backset retention (S4.2.7 and S5.2.7), and height retention (S4.2.6 and S5.2.6). Toyota summarized the performance in tables that can be found in its petition. It contended that there is nothing about the performance of the rear outboard head restraints in the subject vehicles that in relation to the additional criteria set forth in these tables that poses a risk of exacerbating whiplash injuries.

3. *The occupancy rates and usage of the Lexus RX model further supports the conclusion that the noncompliance with S4.5 is inconsequential to safety:* The rear seat vehicle environment has unique aspects in terms of occupancy rates and usage. This is why the agency decided to specify different requirements for front and rear seat head restraints. As noted above, the agency found that, in the general vehicle population studied for the purpose of adopting FMVSS 202a requirements, the occupancy rate for the rear outboard seating positions was about 10 percent. Toyota undertook an analysis of the National Automotive Sampling System (NASS) General Estimates System (GES) data to better understand the outboard rear seat occupancy rate in the subject vehicles. The subject vehicles are the fourth generation of the Lexus RX model series, which was introduced for MY2016. Because the exposure of this model year in the fleet is somewhat limited, and NASS GES does not yet contain MY2016 data, the three previous generations of the RX model going back to MY 1999 were used for the analysis. While there are design differences in each generation, all are mid-size SUV's, and it is expected that the user demographics and rear seat usage would be representative of the subject vehicles.

Based on the analysis, the occupancy rate for rear outboard seat occupants in all types of crashes for the RX models analyzed was 10 percent—meaning that 10 percent of the RX vehicles involved in crashes have a rear outboard passenger. This is the same as what NHTSA found to be the occupancy rate in the general vehicle population when it undertook the FMVSS 202a rulemaking. In a smaller subset of only rear crashes, the occupancy rate in the RX models is slightly higher, but still small—only 13 percent.

The data analyzed were insufficient to provide an understanding of the size of the occupants who ride in the rear outboard positions in the subject vehicles. However, considering that the occupancy rate is consistent with NHTSA's previous analyses, there is no reason to believe that occupant sizes would be significantly different from the general vehicle population. In the Final Regulatory Impact Analysis, the agency found that, of the small percentage of occupants that ride in the rear of vehicles generally, 83 percent of all rear outboard occupants were 5′9″ or less and 17 percent were 5′10″ and above. The latter is the height of the average U.S. male. As outlined in Section II, above, the rear outboard head restraints in the subject vehicles are designed so that the center of gravity of the head of the small percentage of large occupants who may occasionally ride in the rear seats of the subject vehicles is below the top of the head restraint. Therefore, the number of occupants who may actually seek to adjust the rear outboard head restraints in the subject vehicles is insignificant, further justifying a finding that the paragraph S4.5 noncompliance is inconsequential to vehicle safety.

Toyota stated that it is unaware of any consumer complaints, field reports, accidents, or injuries that have occurred as a result of this noncompliance as of December 15, 2016.

Toyota concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Toyota no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Toyota notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06959 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

[5] NHTSA assumed during the rulemaking that the center of gravity of the head of the AM95 was 105mm from the top of the head. See FRIA at page 44. See also 66 FR at page 975. Figure 10, below, uses this value. The center of gravity of the head of the BIORID III ATD is 110.5mm below the top of the head.

[6] ''The center of gravity height of a 99th percentile female reclined at 25 degrees is about 19mm below a 750mm (29.5 inches) high head restraint at a 50mm (2 inch) backset.''

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0118; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming Model Year 2013 BMW R1200GS Adventure Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that model year (MY) 2013 BMW R1200GS Adventure motorcycles (MCs) that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2013 BMW R1200GS Adventure motorcycles) and they are

capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 8, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing Laboratories (WETL), of Houston, Texas (Registered Importer R–90–005) has petitioned NHTSA to decide whether nonconforming MY 2013 BMW R1200GS Adventure MCs are eligible for importation into the United States. The vehicles which WETL believes are substantially similar are MY 2013 BMW R1200GS Adventure MCs sold in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified MY 2013 BMW R1200GS Adventure MCs to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified MY 2013 BMW R1200GS Adventure MCs, as originally manufactured, conform to many applicable FMVSS in the same manner as their U.S.-certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non U.S.-certified MY 2013 BMW R1200GS Adventure MCs, as originally manufactured, conform to:

Standard Nos. 106 *Brake Hoses,* 111 *Rear Visibility*, 116 *Motor Vehicle Brake Fluids,* 119 *New Pneumatic Tires for Motor Vehicles With a GVWR of More than 4,536 Kilograms (10,000 pounds) and Motorcycles,* and 122 *Motorcycle Brake Systems.*

The petitioner also contends that the subject non-U.S. certified motorcycles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* installation of the following U.S.-model components: headlamp, tail lamp, stop lamp, rear side mounted reflex reflectors, and rear center mounted reflex reflector.

Standard No. 120 *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles With a GVWR of More than 4,536 Kilograms (10,000 pounds):* installation of the required tire information placard.

Standard No. 123 *Motorcycle Controls and Displays:* replacement of non-conforming speedometers with U.S.-model components.

Standard No. 205 *Glazing Materials:* inspection of each vehicle and removal of noncompliant glazing or replacement with U.S. certified glazing.

Wallace further states that labels will be affixed to conform to requirements of 49 CFR part 567 Certification.

This notice of receipt of WETL's petition does not represent any agency decision or other exercise of judgment concerning the merits of the petition. Notice of final action on the petition will be published in the *Federal Register* pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06951 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0103; Notice 2]

Daimler Trucks North America, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Daimler Trucks North America (DTNA), has determined that certain model year (MY) 2016–2017 Freightliner and Western Star trucks do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays.* DTNA filed a noncompliance report dated September 22, 2016, *Defect and Noncompliance Responsibility and Reports.* DTNA also petitioned NHTSA on September 22, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on this decision contact Stu Seigel, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5287, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. Overview

Daimler Trucks North America (DTNA), has determined that certain model year (MY) 2016–2017 Freightliner and Western Star trucks do not fully comply with Table 2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays.* DTNA filed a noncompliance report dated September 22, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* DTNA also petitioned NHTSA on September 22, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h), 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published with a 30-day public comment period, on November 7, 2016, in the **Federal Register** (81 FR 78259). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2016–0103.''

II. Vehicles Involved

Affected are approximately 36,959 MY 2016–2017 versions of the following trucks, manufactured between September 28, 2015 and July 30, 2016:

- Freightliner Cascadia
- Freightliner 122SD
- Freightliner Coronado
- Western Star 5700

III. Noncompliance

DTNA explains that the noncompliance is that the Low Brake Air Pressure telltale for air brake systems displays the word ''BRAKE'' and a red International Standards Organization (ISO) symbol for brake malfunction when a low air brake pressure condition exists, rather than the words ''BRAKE AIR,'' as specified in Table 2 of FMVSS No. 101. DTNA states that the telltale is accompanied by an audible alert and low pressure gauge reading.

IV. Rule Text

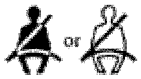
Paragraph S5 of FMVSS No. 101 provides: ''Each passenger car, multipurpose passenger vehicle, truck and bus that is fitted with a control, a telltale, or an indicator listed in Table 1 or Table 2 must meet the requirements of this standard for the location, identification, color, and illumination of that control, telltale or indicator.''

Paragraph S5.2.1 of FMVSS No. 101 provides, in pertinent part: ''. . . each control, telltale and indicator that is listed in column 1 and 2 of Table 1 or Table 2 must be identified by the symbol specified for it in column 2 or the word or abbreviation specified for it in column 3 of Table 1 or Table 2.''

Table 2 appears as follows:

BILLING CODE 4910-59-P

Table 2
Identifiers for
Controls, Telltales and Indicators with
No Color or Illumination Requirements

Column 1 ITEM	Column 2 SYMBOL	Column 3 WORD(S) OR ABBREVIATION
Hand Throttle Control	—	Throttle
Engine Start Control	—	Engine Start[1]
Manual Choke Control	—	Choke
Odometer	—	Kilometers or km, if kilometers are shown. Otherwise, no identifier is required. [2]
Horn		Horn
Master Lighting Switch	[3]	Lights
Headlamps and Taillamps Control	—	— [4,5]
Low Brake Air Pressure Telltale (for vehicles subject to FMVSS 121)	—	Brake Air
Seat Belt Unfastened Telltale		Fasten Belts or Fasten Seat Belts

Notes:

1. Use when engine control is separate from the key locking system.
2. Any combination of upper- or lowercase letters may be used.
3. Framed areas may be filled.
4. If a line appears in Column 2 and Column 3, the Control, Telltale or Indicator is required to be identified, however the form of the identification is the manufacturer's option.
5. Separate identification not required if function is combined with Master Lighting Switch.

BILLING CODE 4910-59-C

V. Summary of DTNA's Petition

DTNA described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, DTNA submitted the following reasoning:

1. DTNA notes that the purpose of the low brake air pressure telltale is to alert the driver to a low air condition, consistent with the requirements of FMVSS No. 121, S5.1.5 (warning signal). The word ''BRAKE'' instead of ''BRAKE AIR,'' together with the audible alert that occurs in the subject vehicles would still alert the driver to an issue with the brake system. Once alerted, the driver can check the actual air pressure by reading the primary and secondary air gauges and seeing the contrasting color on the gauges indicating low pressure.

2. NHTSA stated in a 2005 FMVSS No. 101 rulemaking that the reason for including vehicles over 10,000 pounds in the requirements of FMVSS No. 101 is that there is a need for drivers of heavier vehicles to see and identify their displays, just as there is for drivers of lighter vehicles. See 70 FR 48295, 48298 (Aug. 17, 2005). The telltale in the subject vehicles saying ''BRAKE'' would allow the driver to see and identify the improper functioning system as was the intent of the rule, thus serving the purpose of the FMVSS No. 101 requirement.

3. There are two scenarios when a low brake air pressure condition would exist: A parked vehicle and a moving vehicle. Each of these are discussed separately below; in each scenario, there is ample warning provided to the driver of low brake air pressure.

a. Parked Vehicle

The driver of an air-braked vehicle must ensure that the vehicle has enough brake air pressure to operate safely. At startup, the vehicle will likely be in a low air condition. When in a low air condition the following warnings would occur, conditioning the driver over time as to the purpose of the telltale and audible alerts and under what conditions they are activated.

- Red contrasting color of the telltale saying ''BRAKE''
- Red contrasting color of the ISO symbol for brake malfunction
- Audible alert to the driver as long as the vehicle has low air

- Air gauges for the primary and secondary air tanks clearly showing the air pressure in the system
- Red contrasting color on the air gauges indicating when the pressure is low
- Difficulty/inability of releasing the parking brakes with low air
- Reduced drivability if the driver attempts to drive with the parking brakes applied

b. Moving Vehicle

If a low brake air pressure situation occurs while driving, the function of the service brakes may be reduced or lost and, eventually if the pressure gets low enough, the parking brakes will engage. The driver must pull to the side of the road and apply the parking brakes as soon as possible. A loss of brake air pressure while driving represents a malfunctioning brake system and requires immediate action from the driver. Drivers recognize that a telltale illuminated in red represents a malfunction which needs to be remedied.

The following warning would occur if a low air condition occurred while driving.

- Red contrasting color of the telltale saying ''BRAKE''
- Red contrasting color of the ISO symbol for brake malfunction
- Audible alert to the driver as long as the vehicle has low air
- Air gauges for the primary and secondary air tanks clearly showing the air pressure in the system
- Red contrasting color on the air gauges indicating when the pressure is low

The functionality of both the parking brake system and the service brake system remains unaffected by the ''BRAKE'' telltale used in the subject vehicles.

4. NHTSA Precedents—DTNA notes that NHTSA has previously granted petitions for decisions of inconsequential noncompliance for similar brake telltale issues, in which the ISO symbol in combination with other available warnings was deemed sufficient to provide the necessary driver warning. See Docket No. NHTSA–2012–0004, 78 FR 69931 (November 21, 2013) (grant of petition for Ford Motor Company) and Docket No. NHTSA–2014–0046, 79 FR 78559 (December 30, 2014 (grant of petition for Chrysler Group, LLC). In both of these instances, the vehicles at issue displayed an ISO symbol for the brake telltale instead of the wording required under FMVSS No. 101. The ISO symbol in combination with other available warnings was deemed sufficient to provide the necessary driver warning. DTNA respectfully suggests that the same is true for the subject vehicles: the ISO symbol, together with other warnings and alerts, are fully sufficient to warn the driver of a low brake air pressure situation.

DTNA concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA's Decision

NHTSA's Analysis: NHTSA has reviewed DTNA's analyses that the subject noncompliance is inconsequential to motor vehicle safety. Specifically, the telltale marking for low brake air pressure says ''Brake'' instead of ''Brake Air'' as required in table 2 of FMVSS No. 101 and FMVSS No. 121. We believe that this incomplete labeling poses no risk to motor vehicle safety because multiple sources of information, as discussed below, are simultaneously activated to properly warn the driver of the condition.

1. When a low air pressure situation exists, for both a parked or moving vehicle, the ''Brake'' telltale will activate in red letters with a black background. There are no requirements in FMVSS No. 101 or 121 for the color of the telltale, but DTNA's use of red, which is an accepted color representing an urgent condition, provides a definitive indication of a situation that needs attention.

2. The ''Brake'' telltale illumination is accompanied by activation of the International Standards Organization (ISO) symbol for brake malfunction. This ISO symbol is readily understood as it has been used on U.S.-certified vehicles for many years in conjunction with the required text. The ISO symbol is also red on a black background depicting an urgent warning. Both the ''Brake'' telltale and ISO symbol are in clear view of the driver and when activated will alert the driver of a brake system malfunction, including a low air pressure condition.

3. Simultaneous to both ''Brake'' telltale and ISO symbol illumination, is activation of an audible alert, further notifying the operator that a malfunction exists requiring corrective action. Although the alert would not in and of itself identify the problem, a driver would instinctively react to the warning tone and review the information available noting telltales activated in the instrument cluster (*i.e.* ''Brake'' and ISO symbol).

4. In a low pressure situation, the operator is provided additional feedback by the primary and secondary instrument cluster air gauges which have PSI marked numerical values along with red delineated sections where the needle pointer would be positioned for a low pressure condition.

5. NHTSA agrees with DTNA that for a vehicle that is parked, if a low air condition were present, along with the operator feedback indicators described above, there would be difficulty or an inability to release the parking brake and/or reduced drivability, as sufficient air in the system is required to release the parking brake.

6. Further, NHTSA agrees with DTNA's statement that the functionality of both the parking brake system and the service brake system remains unaffected by the ''Brake'' telltale used in the subject vehicles.

NHTSA believes that the combination of the red contrasting color of the ''Brake'' telltale and the ISO symbol, simultaneous activation of ''Brake'' telltale, the Brake ISO symbol and audible alert for a low air pressure condition, the primary and secondary air gauge indicators, and the reduced drivability of the vehicles under a low air pressure condition, provides adequate notification to the operator that a brake malfunction exists. The manufacturer has shown that the discrepancy with the labeling requirement is unlikely to lead to any misunderstanding especially since other sources of correct information beyond the ''Brake'' telltale, are available.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that DTNA has met its burden of persuasion that the FMVSS No. 101 noncompliance is inconsequential as it relates to motor vehicle safety. Accordingly, DTNA's petition is hereby granted and DTNA is consequently exempted from the obligation to provide notification of, and a remedy for, the subject noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that DTNA no longer controlled at the time it determined that the noncompliance existed. However, the

granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after DTNA notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–06956 Filed 4–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Application Requirements, Retroactive Reinstatement and Reasonable Cause Under Section 6033(j)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments for application requirements, retroactive reinstatement and reasonable cause under section 6033(j).

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments application requirements, retroactive reinstatement and reasonable cause.

DATES: Written comments should be received on or before June 6, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of notice should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application Requirements, Retroactive Reinstatement and Reasonable Cause under Section 6033(j).

OMB Number: 1545–2206.

Notice Number: Notice 2011–44.

Abstract: This notice provides guidance with respect to applying for reinstatement and requesting retroactive reinstatement and establishing reasonable cause under section 6033(j)(2) and (3) of the Internal Revenue Code (the Code) for an organization that has had its tax-exempt status automatically revoked under section 6033(j)(1) of the Code. The Treasury Department (Treasury) and the Internal Revenue Service (IRS) intend to issue regulations under section 6033(j) that will prescribe rules, including rules relating to the application for reinstatement of tax-exempt status under section 6033(j)(2) and the request for retroactive reinstatement under section 6033(j)(3).

Current Actions: There are no changes being made to the burden previously requested, at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 6,026.

Estimated Average Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 6,026.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; © ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 27, 2017.

Laurie Brimmer,

IRS Senior Tax Analyst.

[FR Doc. 2017–06917 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code and Form 1023–EZ, Streamlined Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code.

DATES: Written comments should be received on or before June 6, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie E. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code and Form 1023–EZ Streamlined.

OMB Number: 1545–0056.

Form Number: Forms 1023 and 1023–EZ.

Abstract: Form 1023 is filed by applicants seeking Federal income tax exemption as organizations described in section 501(c)(3). IRS uses the information to determine if the applicant is exempt and whether the applicant is a private foundation. Form

1023–EZ is a simplified version of Form 1023, to be filled by organization who meets certain criteria.

Current Actions: The PATH Act presents legislative changes that amended Form 1023 and caused a reduction of burden by consolidating portions of the Form 1023. The changes on the Form 1023 will decrease burden hours by 44,954. There are no changes to Form 1023–EZ.

Type of Review: Revision of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 80,000.

Estimated Time per Respondents: 58.93 hours.

Estimated Total Annual Burden Hours: 4,714,236.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 27, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–06926 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for IRS e-file Signature Authorization for Forms 720, 2290 and 8879.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8879–EX, IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

DATES: Written comments should be received on or before June 6, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for copies of the form and instructions should be directed to LaNita Van Dyke, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Lanita.VanDyk@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

OMB Number: 1545–2081.

Form Number: 8879–EX.

Abstract: The Form 8879–EX, IRS *e-file* Signature Authorization for Forms 720, 2990, and 8849, will be used in the Modernized e-File program. Form 8879–EX authorizes an a taxpayer and an electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign an electronic excise tax return and, if applicable, authorize an electronic funds withdrawal.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a previously approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 15,000.

Estimated Time per Respondent: 3 hours, 7 minutes.

Estimated Total Annual Burden Hours: 46,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 27, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–06920 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Definitions Under Subchapter S of the Internal Revenue Code

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Definitions Under Subchapter S of the Internal Revenue Code.

DATES: Written comments should be received on or before June 6, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the regulation should be directed to LaNita Van Dyke, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224 or at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Definitions Under Subchapter S of the Internal Revenue Code.

OMB Number: 1545–1462.

Notice Number: TD 8696 Definitions Under Subchapter S of the Internal Revenue Code.

Abstract: Section 1.1377–1(b)(4) of the regulation provides that an S corporation making a terminating election under Internal Revenue Code section 1377(a)(2) must attach a statement to its timely filed original or amended return required to be filed under Code section 6037(a). The statement must provide information concerning the events that gave rise to the election and declarations of consent from the S corporation shareholders.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations, and individuals.

Estimated Number of Respondents: 4,000.

Estimated Time per Respondent: .25 hours.

Estimated Total Annual Burden Hours: 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 26, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–06923 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Quarterly Federal Excise Tax Return

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 720, Quarterly Federal Excise Tax Return.

DATES: Written comments should be received on or before June 6, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the form and instructions should be directed to Sara Covington at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *sara.l.covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Quarterly Federal Excise Tax Return.

OMB Number: 1545–0023.

Form Number: 720.

Abstract: Form 720 is used to report (1) excise taxes due from retailers and manufacturers on the sale or manufacture of various articles, (2) the tax on facilities and services, (3) environmental taxes, (4) luxury tax, and (5) floor stocks taxes. The information supplied on Form 720 is used by the IRS to determine the correct tax liability. Additionally the data is reported by the IRS to Treasury so that funds may be transferred from the general revenue fund to the appropriate trusts funds.

Current Actions: There were changes made to the burden estimates, due to the discontinuation of the Over-the-counter (OTC) voucher.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Responses: 401,444.

Estimated Time per Respondent: 11 hrs, 9 minutes.

Estimated Total Annual Burden Hours: 4,474,785.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information

technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 29, 2017.

Laurie Brimmer,

IRS Senior Tax Analyst.

[FR Doc. 2017–06916 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, April 26, 2017.

FOR FURTHER INFORMATION CONTACT: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, April 26, 2017, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769, TAP Office, 4050 Alpha Rd., Farmers Branch, TX 75244, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: April 3, 2017.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–06918 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Application for Determination for Employee Benefit Plans

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 5300, Application for Determination for Employee Benefit Plans.

DATES: Written comments should be received on or before June 6, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the forms and instructions should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224 or through the internet at *LanitaVanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Determination for Employee Benefit Plan (Form 5300).

OMB Number: 1545–0197.

Form Number: Form 5300.

Abstract: Internal Revenue Code sections 401(a) and 501(a) set out requirements for qualification of employee benefit trusts and the tax exempt status of these trusts. Form 5300 is used to request a determination letter from the IRS for the qualification of a defined benefit or a defined contribution plan and the exempt status of any related trust.

Current Actions: There are revisions being made to the form at this time.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 85,000.

Estimated Time per Respondent: 84.72 hours.

Estimated Total Annual Burden Hours: 7,201,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 27, 2017.

Laurie Brimmer,

IRS Senior Tax Analyst.

[FR Doc. 2017–06919 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Modified Endowment Contract Correction Program Extension.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

Currently, the IRS is soliciting comments concerning Modified Endowment Contract Correction Program Extension.

DATES: Written comments should be received on or before June 6, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the revenue procedure should be directed to LaNita VanDyke, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224 or through the Internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Modified Endowment Contract Correction Program Contract Correction Program Extension.

OMB Number: 1545–1752.

Revenue Procedure Number: 2008–38, 2008–39, 2008–40, 2008–41 and 2008–42.

Abstract: Revenue Procedure 2001–42 allows issuers of life insurance contracts whose contracts have failed to meet the tests provided in section 7702A of the Internal Revenue Code to cure these contracts that have inadvertently become modified endowment contracts. The revenue procedure has been updated by various other revenue procedures, such as RP 2008–38, RP 2008–39, RP 2008–40, RP 2008–41, and RP 2008–42, which have since been published.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 70.

Estimated Average Time per Respondent: 85 hours.

Estimated Total Annual Reporting Hours: 5,950.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 27, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–06921 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Application for Determination for Adopters of Master or Prototype or Volume Submitter Plans

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 5307, Application for Determination for Adopters of Master or Prototype or Volume Submitter Plans.

DATES: Written comments should be received on or before June 6, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for copies of the form and instructions should be directed to Sara Covington, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Determination for Adopters of Master or Prototype or Volume Submitter Plans.

OMB Number: 1545–0200.

Form Number: 5307.

Abstract: Employers whose pension plans meet the requirements of Internal Revenue Code section 401(a) are permitted a deduction for their contributions to these plans. To have a plan qualified under Code section 401(a), the employer must submit an application to the IRS as required by regulation § 1.401–1(b)(2). Form 5307 is used as an application for this purpose by adopters of master or prototype or volume submitter plans.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 51.39 hours.

Estimated Total Annual Burden Hours: 5,139,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of

information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 29, 2017.

Laurie Brimmer,

IRS Senior Tax Analyst.

[FR Doc. 2017–06922 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for the General Business Credit

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 3800, General Business Credit.

DATES: Written comments should be received on or before June 6, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Lanita.VanDyke@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: General Business Credit.

OMB Number: 1545–0895.

Form Number: Form 3800.

Abstract: Internal Revenue Code section 38 permits taxpayers to reduce their income tax liability by the amount of their general business credit, which is an aggregation of their investment credit, work opportunity credit, welfare-to-work credit, alcohol fuel credit, research credit, low-income housing credit, disabled access credit, enhanced oil recovery credit, etc. Form 3800 is used to figure the correct credit.

Current Actions: We have made no changes to Form 3800 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, farms and individuals.

Estimated Number of Respondents: 250,000.

Estimated Time per Respondent: 33.38 hours.

Estimated Total Annual Burden Hours: 8,345,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 26, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–06924 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of closed meeting

AGENCY: Internal Revenue Service, Treasury

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in New York, NY.

DATES: The meeting will be held April 20, 2017.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held at 290 Broadway, New York, NY 10007.

FOR FURTHER INFORMATION CONTACT: Maricarmen Cuello, AP: SEPR:AAS, 51 SW 1st Avenue, Room 1014, Miami, FL 33130. Telephone (305) 982–5364 (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., that a closed meeting of the Art Advisory Panel will be held at 290 Broadway, New York, NY 10007.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in sections 552b(c)(3), (4), (6), and (7), of the Government in the Sunshine Act, and that the meeting will not be open to the public.

Donna Hansberry,

Chief, Appeals.

[FR Doc. 2017–06925 Filed 4–6–17; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 82 Friday,
No. 66 April 7, 2017

Part II

The President

Notice of April 6, 2017—Continuation of the National Emergency With Respect to Somalia

Federal Register
Vol. 82, No. 66
Friday, April 7, 2017

Presidential Documents

Title 3—

The President

Notice of April 6, 2017

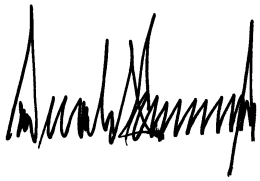
Continuation of the National Emergency With Respect to Somalia

On April 12, 2010, by Executive Order 13536, 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 deterioration of the security situation and the persistence of violence in Somalia, acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions, and violations of the arms embargo imposed by the United Nations Security Council.

On July 20, 2012, the President issued Executive Order 13620 to take additional steps to deal with the national emergency declared in Executive Order 13536 in view of United Nations Security Council Resolution 2036 of February 22, 2012, and Resolution 2002 of July 29, 2011, and to address: exports of charcoal from Somalia, which generate significant revenue for al-Shabaab; the misappropriation of Somali public assets; and certain acts of violence committed against civilians in Somalia—all of which contribute to the deterioration of the security situation and the persistence of violence in Somalia.

The situation with respect to Somalia 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 April 12, 2010, and the measures adopted on that date and on July 20, 2012, to deal with that emergency, must continue in effect beyond April 12, 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 13536.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
April 6, 2017.

[FR Doc. 2017–07238
Filed 4–6–17; 11:15 am]
Billing code 3295–F7–P

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Federal Register

Vol. 82, No. 66

Friday, April 7, 2017

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FEDERAL REGISTER PAGES AND DATE, APRIL

16101–16286 3
16287–16508 4
16509–16724 5
16725–16890 6
16891–17096 7

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9581 16707
9582 16709
9583 16711
9584 16713
9585 16715
9586 16717
9587 16889

Executive Orders:
13775 (Revoked by EO 13787) 16723
13784 16279
13785 16719
13786 16721
13787 16723

Administrative Orders:
Memorandums:
Memorandum of January 28, 2017 (Revoked by Memorandum of April 4, 2017) 16881
Memorandum of March 6, 2017 16283
Memorandum of April 4, 2017 16881
Notices:
Notice of April 6, 2017 17095

5 CFR

Proposed Rules:
1631 16744

7 CFR

1436 16101

12 CFR

Proposed Rules:
1002 16307

14 CFR

25 ..... 16891, 16893
39 ..... 16101, 16725, 16728, 16895, 16897
71 ..... 16898, 16899, 16901

Proposed Rules:
39 ..... 16138, 16948
71 ..... 16140, 16952, 16953, 16955, 16957, 16958, 16960, 16962

15 CFR

744 16730
902 16478

16 CFR

Proposed Rules:
1112 16963
1130 16963
1236 16963

20 CFR

401 16509

21 CFR

1 16733

Proposed Rules:
73 16321

22 CFR

Proposed Rules:
96 16322

29 CFR

2510 16902

30 CFR

Proposed Rules:
901 16975
1202 ..... 16323, 16325
1206 ..... 16323, 16325

33 CFR

100 16105
117 ..... 16105, 16106, 16735, 16918
165 ..... 16107, 16109, 16111, 16112, 16114, 16510
167 16510
183 16512

Proposed Rules:
100 16746
165 ..... 16142, 16327, 16746, 16976

38 CFR

17 16287

40 CFR

52 ..... 16919, 16920, 16921, 16924, 16927, 16931, 16932, 16934, 16938, 16940, 16943
63 16736
81 ..... 16740, 16938, 16940, 16943

Proposed Rules:
52 ..... 16770, 16772, 16980, 16981
60 ..... 16144, 16329, 16330, 16331
68 16146

42 CFR

447 16114
495 16741

Proposed Rules:
409 16150
410 16150
418 16150
440 16150
484 16150
485 16150
488 16150

44 CFR

64.....16122

45 CFR

500.....16124
510.....16124

46 CFR

530.....16288
531.....16288

Proposed Rules:

401.....16542
403.....16542
404.....16542

47 CFR

1.....16297
54.....16127, 16297

Proposed Rules:

2.....16777
25.....16777
36.....16152

48 CFR

Proposed Rules:

816.....16332
828.....16332
852.....16332

49 CFR

209.....16127
213.....16127
214.....16127
215.....16127
216.....16127
217.....16127
218.....16127
219.....16127
220.....16127
221.....16127
222.....16127
223.....16127
224.....16127
225.....16127
227.....16127
228.....16127
229.....16127
230.....16127
231.....16127
232.....16127
233.....16127
234.....16127
235.....16127
236.....16127
237.....16127
238.....16127
239.....16127
240.....16127
241.....16127
242.....16127
243.....16127
244.....16127
270.....16127
272.....16127

Proposed Rules:

1104.....16550
1109.....16550
1111.....16550
1114.....16550
1130.....16550

50 CFR

15.....16522
17.....16522, 16668
92.....16298
635.....16136, 16478
679 .....16306, 16540, 16742, 16946, 16947

Proposed Rules:

17.....16559, 16981

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *http://www.archives.gov/federal-register/laws*.

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H.R. 1228/P.L. 115–19

To provide for the appointment of members of the Board of Directors of the Office of Compliance to replace members whose terms expire during 2017, and for other purposes. (Apr. 3, 2017; 131 Stat. 84)

H.J. Res. 69/P.L. 115–20

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to ''Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska''. (Apr. 3, 2017; 131 Stat. 86)

H.J. Res. 83/P.L. 115–21

Disapproving the rule submitted by the Department of Labor relating to ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness''. (Apr. 3, 2017; 131 Stat. 87)

S.J. Res. 34/P.L. 115–22

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to ''Protecting the Privacy of Customers of Broadband and Other Telecommuncations Services''. (Apr. 3, 2017; 131 Stat. 88)

Last List April 4, 2017

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