FEDERAL REGISTER

Vol. 82 Tuesday,

No. 78 April 25, 2017

Pages 18975–19178

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 82 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Contents

Federal Register

Vol. 82, No. 78

Tuesday, April 25, 2017

Agriculture Department
See Rural Business-Cooperative Service
See Rural Utilities Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 19016–19018

Bureau of Consumer Financial Protection
RULES
Prepaid Accounts Under the Electronic Fund Transfer Act and the Truth in Lending Act; Delay of Effective Date, 18975–18981
PROPOSED RULES
Home Mortgage Disclosure (Regulation C), 19142–19178

Census Bureau
NOTICES
Limited-Access Highway Classification Codes, 19020–19021

Civil Rights Commission
NOTICES
Meetings:
Connecticut Advisory Committee, 19019
Wisconsin Advisory Committee, 19020

Coast Guard
RULES
Drawbridge Operations:
Arthur Kill, Staten Island, NY and Elizabeth, NJ, 18989
Atlantic Intracoastal Waterway and Indian Creek, Miami, FL, 18990–18992
Canaveral Barge Canal, Canaveral, FL, 18989–18990

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration

Committee for the Implementation of Textile Agreements
NOTICES
Determinations:
Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement, 19027–19028

Copyright Royalty Board
NOTICES
Distribution of 2015 Cable Royalty Funds, 19091–19092

Drug Enforcement Administration
NOTICES
Bulk Manufacturers of Controlled Substances; Applications:
Siegfried USA, LLC, 19084–19085
Sigma Aldrich Research Biochemicals, Inc., 19085–19086
Importers of Controlled Substances; Applications:
Cambridge Isotope Laboratories, 19083–19084
Janssen Ortho LLC, 19083
Manufacturers of Controlled Substances; Applications:
Cedarburg Pharmaceuticals, 19083

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Direct Loan Program and Federal Family Education Loan Program Teacher Loan Forgiveness Forms, 19028–19029
International Early Learning Study 2018 Field Test Data Collection and Main Study Recruitment, 19029–19030
New Awards; Applications:
Expanding Opportunity Through Quality Charter Schools Program—Grants to State Entities; Correction, 19030–19031

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan; Partial Stay, 18994–18995
Wyoming; Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 NO2, 2010 SO2, and 2012 PM2.5 National Ambient Air Quality Standards, 18992–18994
Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category; Postponement of Compliance Dates, 19005–19006
Pesticide Tolerances:
Benzobicyclon, 18995–19001
Tolerance Exemptions:
Bacillus simplex strain BU288, 19001–19004
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
District of Columbia, Maryland, and Virginia; Determination of Attainment by the Attainment Date for the 2008 Ozone Standard, 19011–19014
NOTICES
Certain New Chemicals or Significant New Uses:
Statements of Findings for December 2016, 19044–19046
Statements of Findings for February 2017, 19046–19047
General Permit Renewals:
Draft NPDES General Permit for Discharges from the Oil and Gas Extraction Point Source Category to Coastal Waters in Texas, 19043–19044
Proposed Issuance of the National Pollutant Discharge Elimination System General Permit for Discharges from the Oil and Gas Extraction Point Source Category—Stripper Subcategory Iin Texas, 19044
Meetings:
Mobile Sources Technical Review Subcommittee, 19043

Federal Aviation Administration
RULES
Class D and Class E Airspace; Amendments:
Aspen, CO; and Pueblo, CO, 18981–18983

Class E Airspace; Amendments:
Moses Lake, WA; Olympia, WA, 18983–18985
PROPOSED RULES
Class E Airspace; Amendments:
Albany, GA, 19008–19009
Class E Airspace; Revocations:
Eaton Rapids, MI, 19007–19008

Federal Communications Commission
PROPOSED RULES
Connect America Fund:
Universal Service Reform—Mobility Fund, 19014–19015

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for the Collection of Qualitative Feedback on Commission Service Delivery, 19031–19032
Applications:
Alabama Power Co., 19033–19034
Combined Filings, 19032–19034, 19037, 19042
Complaints:
California Department of Water Resources State Water Project, the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California, and the California Public Utilities Commission v. Trans Bay Cable LLC, 19035
Environmental Assessments; Availability, etc.:
Florida Gas Transmission Co., LLC; Wekiva Parkway Relocation Project, 19037–19041
Hydroelectric Applications:
Alaska Electric Light & Power Co., 19036–19037
Records Governing Off-the-Record Communications, 19034–19035

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 19047

Federal Railroad Administration
NOTICES
Adjustment of Nationwide Significant Risk Threshold, 19138

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 19048
Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies, 19048
Proposals to Engage in or to Acquire Companies Engaged in Permissible Nonbanking Activities, 19048–19049

Federal Trade Commission
PROPOSED RULES
Children's Online Privacy Protection Rule:
Safe Harbor Proposed Self-Regulatory Guidelines; TRUSTe Safe Harbor Program Application to Modify Program Requirements, 19009–19011

Fish and Wildlife Service
NOTICES
Incidental Take Permit; Applications:
Low-Effect Habitat Conservation Plan for the Phillips 66 Cal Coast Pipeline Replacement Project, Santa Barbara County, CA, 19077–19078

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certification of Identity for Freedom of Information Act and Privacy Act Requests, 19049–19050
Citizen Petitions and Petitions for Stay of Action, 19050–19051
Establishment Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution and Blood Establishment Registration and Product Listing, 19058–19059
Good Laboratory Practice Regulations for Nonclinical Studies, 19054–19056
Institutional Review Boards, 19056–19057
Patent Term Restoration, Due Diligence Petitions, Filing, Format, and Content of Petitions, 19063–19064
Radioactive Drug Research Committees, 19052–19054
Use of Serological Tests to Reduce the Risk of Transmission of Trypanosoma cruzi Infection in Whole Blood and Blood Components for Transfusion, 19062–19063
Guidance:
Extending Expiration Dates of Doxycycline Tablets and Capsules in Strategic Stockpiles, 19061–19062
Meetings:
Cybersecurity of Medical Devices—A Regulatory Science Gap Analysis; Public Workshop, 19059–19060
Food and Drug Administration Small Business and Industry Assistance Regulatory Education for Industry Spring Conference; Public Conference, 19066–19067
Pediatric Advisory Committee, Pediatric Ethics Subcommittee, 19057–19058
Sentinel Training; Public Workshop, 19063
Pediatric Studies of Ampicillin Conducted in Accordance With the Public Health Service Act, 19065–19066
Priority Review Vouchers:
Rare Pediatric Disease Product, 19052

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 19139–19140

Foreign-Trade Zones Board
NOTICES
Production Activities:
AGFA Corp., Foreign-Trade Zone 44, Morris County, NJ, 19021
PGTEX USA, Inc., Foreign-Trade Zone 68, El Paso, TX, 19021–19022
Westlake Chemical Corp., Foreign-Trade Zone 87, Lake Charles, LA, 19021

Health and Human Services Department
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Nurse Faculty Loan Program, 19067–19068
Nurse Faculty Loan Program, Annual Performance Report Financial Data Form, 19068–19069

Questionnaire and Data Collection Testing, Evaluation, and Research for the Health Resources and Services Administration, 19070–19071
The National Health Service Corps and NURSE Corps Interest Capture Form, 19069

Homeland Security Department
See Coast Guard

Housing and Urban Development Department
NOTICES
HUD-Held Multifamily and Healthcare Loan Sale, 19075–19076
Meetings:
Housing Counseling Federal Advisory Committee, 19077

Industry and Security Bureau
NOTICES
Meetings:
Materials Processing Equipment Technical Advisory Committee, 19022
Transportation and Related Equipment Technical Advisory Committee, 19022

Interior Department
See Fish and Wildlife Service
See Land Management Bureau

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Aluminum Extrusions from the People's Republic of China, 19025–19027
Certain Hardwood Plywood Products from the People's Republic of China, 19022–19025

International Trade Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 19080–19081
Complaints:
Certain Robotic Vacuum Cleaning Devices and Components Thereof Such as Spare Parts, 19082–19083
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Dental Ceramics, Products Thereof, and Methods of Making the Same, 19081
Cold-Drawn Mechanical Tubing from China, Germany, India, Italy, Korea, and Switzerland, 19078–19079

Justice Department
See Drug Enforcement Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Annual Parole Survey, Annual Probation Survey, 19086
Diversity in Law Enforcement Recruitment Survey, 19087

Labor Department
See Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Mailing and Street Address Changes:
Challis Field Office, Idaho, 19078

Library of Congress
See Copyright Royalty Board

National Endowment for the Arts
NOTICES
Meetings:
Arts Advisory Panel, 19092

National Foundation on the Arts and the Humanities
See National Endowment for the Arts

National Highway Traffic Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Reports, Forms, and Record Keeping Requirements, 19138–19139

National Institutes of Health
NOTICES
Government-Owned Inventions; Availability for Licensing, 19073–19075
Meetings:
Center for Scientific Review, 19074
Interagency Coordinating Committee on the Validation of Alternative Methods, 19071–19073
National Cancer Institute; Cancellation, 19073
National Institute of Dental and Craniofacial Research, 19071
National Institute on Aging, 19073–19074

National Science Foundation
NOTICES
Antarctic Conservation Act Permits, 19092–19093

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Enforcement Discretion for Operating Reactors and Gaseous Diffusion Plants, 19094–19095
Facility Operating and Combined Licenses:
Applications and Amendments Involving No Significant Hazards Considerations; Biweekly Notice, 19095–19111
Guidance:
Service Level I, II, III, and In-Scope License Renewal Protective Coatings Applied to Nuclear Power Plants, 19113–19114
Meetings:
Advisory Committee on Reactor Safeguards, 19093–19094
Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures, 19112
Advisory Committee on Reactor Safeguards Subcommittee on Power Uprates, 19111–19112
Advisory Committee on Reactor Safeguards Subcommittee on Reliability and Probabilistic Risk Assessment, 19112–19113

Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Overhead and Gantry Cranes, 19090–19091
Requirements for the OSHA Training Institute Education Centers Program and the OSHA Outreach Training Program, 19089–19090
Standard on the Storage and Handling of Anhydrous Ammonia, 19087–19089

Rural Business-Cooperative Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 19018

Rural Utilities Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 19018–19019

Securities and Exchange Commission
NOTICES
Applications:
Homestead Funds, Inc. and RE Advisers Corporation, 19114–19115
Meetings; Sunshine Act, 19114
Self-Regulatory Organizations; Proposed Rule Changes:
Depository Trust Co.; Fixed Income Clearing Corp.; National Securities Clearing Corp., 19131–19136
Fixed Income Clearing Corp., 19136–19137
NASDAQ PHLX LLC, 19124–19127
NASDAQ Stock Market LLC, 19118–19120
NYSE Arca, Inc., 19115–19117
The Depository Trust Company, 19127–19131
The Depository Trust Company; National Securities Clearing Corporation; Fixed Income Clearing Corporation, 19120–19124

Small Business Administration
NOTICES
Disaster Declarations:
California, 19137

State Department
NOTICES
Charter Renewals:
President's Emergency Plan for AIDS Relief Scientific Advisory Board, 19137–19138

Trade Representative, Office of United States
RULES
Freedom of Information Act and Privacy Act Policies and Procedures, 18985–18989

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

Treasury Department
See Foreign Assets Control Office

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Board of Veterans' Appeals Voice of the Veteran Appellant Satisfaction Survey, 19140

Separate Parts In This Issue

Part II
Bureau of Consumer Financial Protection, 19142–19178

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

12 CFR
1005.....18975
1026.....18975
Proposed Rules:
1003.....19142

14 CFR
71 (2 documents) 18981, 18983
Proposed Rules:
71 (2 documents) 19007, 19008

15 CFR
2004.....18985
2005.....18985

16 CFR
Proposed Rules:
312.....19009

33 CFR
117 (3 documents) 18989, 18990

40 CFR
52 (2 documents) 18992, 18994
180 (2 documents) 18995, 19001
423.....19005
Proposed Rules:
52.....19011

47 CFR
Proposed Rules:
54.....19014

Rules and Regulations

Federal Register
Vol. 82, No. 78
Tuesday, April 25, 2017

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Parts 1005 and 1026

[Docket No. CFPB–2017–0008]

RIN 3170–AA69

Prepaid Accounts Under the Electronic Fund Transfer Act (Regulation E) and the Truth in Lending Act (Regulation Z); Delay of Effective Date

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule; official interpretation; delay of effective date.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau or CFPB) is issuing this final rule to delay the October 1, 2017 effective date of the rule governing Prepaid Accounts Under the Electronic Fund Transfer Act (Regulation E) and the Truth in Lending Act (Regulation Z) by six months, to April 1, 2018.

DATES: The amendments in this final rule are effective on April 1, 2018. The effective date of the final rule published on November 22, 2016 (81 FR 83934) is delayed from October 1, 2017, to April 1, 2018. The effective date for the addition of § 1005.19(b) remains October 1, 2018.

FOR FURTHER INFORMATION CONTACT: Thomas L. Devlin and Yaritza Velez, Counsels, and Kristine M. Andreassen, Senior Counsel, Office of Regulations, at 202–435–7700.

SUPPLEMENTARY INFORMATION:

I. Summary of the Final Rule

On October 5, 2016, the Bureau released a final rule to create comprehensive consumer protections for prepaid accounts under Regulation E, which implements the Electronic Fund Transfer Act (EFTA), and Regulation Z, which implements the Truth in Lending Act (TILA) (Prepaid Accounts Final Rule).[1] When it was issued, the Prepaid Accounts Final Rule had a general effective date of October 1, 2017. Through its efforts to support industry implementation of the Prepaid Accounts Final Rule, the Bureau learned that some industry participants believed that they would have difficulty complying with certain provisions of the Prepaid Accounts Final Rule that would have gone into effect on October 1, 2017. In order to facilitate compliance with the Prepaid Accounts Final Rule, and to allow an opportunity for the Bureau to assess whether any additional adjustments to the Rule are appropriate, the Bureau proposed to extend the general effective date of the Prepaid Accounts Final Rule by six months, to April 1, 2018 (Effective Date NPRM).[2]

Based on comments received, the Bureau is issuing this final rule to delay the October 1, 2017 effective date for the Prepaid Accounts Final Rule by six months, to April 1, 2018. The Bureau is also making conforming amendments to certain regulatory text and commentary adopted in the Prepaid Accounts Final Rule to reflect the effective date delay.

The Bureau plans to release a notice of proposed rulemaking address at least two issues that have been identified as areas where the Prepaid Accounts Final Rule may be posing particular complexities for implementation. When the Bureau does so it will also seek comment on whether any further extension of the effective date is needed in light of the specific changes proposed.

II. Background

A. The Prepaid Accounts Rulemaking

In the Prepaid Accounts Final Rule, the Bureau extended Regulation E coverage to prepaid accounts and adopted provisions specific to such accounts, and generally expanded Regulation Z's coverage to overdraft credit features that may be offered in conjunction with prepaid accounts.[3] Upon issuing the Prepaid Accounts Final Rule, the Bureau initiated robust efforts to support industry implementation.[4] Information regarding the Bureau's Prepaid Accounts Final Rule implementation initiatives and available resources can be found on the Bureau's regulatory implementation Web site at *https://www.consumerfinance.gov/policy-compliance/guidance/implementation-guidance/prepaid-rule/.*

B. Effective Date Delay

As published, the Prepaid Accounts Final Rule had a general effective date of October 1, 2017. As discussed in the Effective Date NPRM, as part of its efforts to support industry implementation, the Bureau has discussed implementation efforts with a number of industry participants. As a result of those discussions, the Bureau learned that some industry participants were concerned for a variety of reasons that they would have difficulty in complying with certain aspects of the Prepaid Accounts Final Rule by October 1, 2017 while also ensuring continued availability of their prepaid products and with minimal disruption to consumers. For example, although the Bureau put in place an exception in Regulation E § 1005.18(h)(2) pursuant to which financial institutions are not required to pull and replace prepaid account access devices and packaging materials with non-compliant disclosures that were produced in the normal course of business prior to October 1, 2017, some industry participants indicated that they believed that they should in fact pull and replace non-compliant packaging due to concerns about legal and regulatory

[1] 81 FR 83934 (Nov. 22, 2016).

[2] 82 FR 13782 (Mar. 15, 2017).

[3] 81 FR 83934 (Nov. 22, 2016). The Bureau released a proposal regarding prepaid accounts under Regulations E and Z, including model and sample disclosure forms, for public comment on November 13, 2014. 79 FR 77102 (Dec. 23, 2014) (Prepaid Accounts NPRM). The Bureau had previously issued an advance notice of proposed rulemaking that posed a series of questions for public comment about how the Bureau might consider regulating general purpose reloadable cards and other prepaid products. 77 FR 30923 (May 24, 2012).

[4] These on-going efforts include: (1) The publication of a plain-language small entity compliance guide to help industry understand the Prepaid Accounts Final Rule; (2) the publication of various other implementation tools regarding the Prepaid Accounts Final Rule, including an executive summary of the rule, summaries of key changes for payroll card accounts and government benefit accounts, a prepaid account coverage chart, a summary of the rule's effective date provisions, and a guide to preparing the short form disclosure; (3) the release of native design files for print and source code for web-based disclosures for all of the model and sample disclosure forms included in the Prepaid Accounts Final Rule; (4) meetings with industry, including trade associations and individual industry participants, to discuss and support their implementation efforts; and (5) participation in conferences and forums.

exposure at both the Federal and State level, and in particular due to developments following release of the Prepaid Accounts Final Rule. Industry had also raised related concerns regarding the constrained production capacity of packaging manufacturers and other supply chain limitations resulting from increased industry demand leading up to the October 1, 2017 effective date.

In addition, in the course of working to implement the Prepaid Accounts Final Rule, some industry participants raised concerns about what they describe as unanticipated complexities arising from the interaction of certain aspects of the rule with certain business models and practices, including those newly adopted, that they did not fully address in their comment letters on the Prepaid Accounts NPRM, which may complicate implementation and affect consumers.

Based on its initial outreach to industry before issuing the Effective Date NPRM, the Bureau believed that a six-month delay would be sufficient for industry participants to ensure that they can comply with the Prepaid Accounts Final Rule with minimal disruption to consumers. The Bureau explained that, in particular, a six-month extension would both allow more time for package printing and allow pull-and-replace processes at retail locations to occur after the winter holiday season, which is a particularly busy time for retailers. Indeed, the Bureau understands that industry often effectuates pull-and-replace processes in the spring for precisely this reason. The Bureau also believed that a six-month delay would allow the Bureau adequate opportunity to consider possible additional amendments to the Prepaid Accounts Final Rule, and for industry to implement any such changes, without unnecessary disruption to consumers' access to, and use of, prepaid accounts.

The Bureau did not propose to delay the effective date of the requirement to submit prepaid account agreements to the Bureau in Regulation E § 1005.19(f)(2), which is October 1, 2018. The Bureau expected to have its agreement submission process in place by October 1, 2018, and, as discussed in the Effective Date NPRM, the Bureau's pre-proposal outreach had not indicated that industry participants were concerned that they would not be able to meet the agreement submission effective date.

In the Effective Date NPRM, the Bureau did not propose to amend any other substantive requirements of the Prepaid Accounts Final Rule. The purpose of that notice was not to seek comment generally on policy decisions made in the Prepaid Accounts Final Rule that industry or other stakeholders might wish the Bureau to reconsider. Rather, the Bureau stated that it would continue its outreach to industry and other stakeholders to understand their experiences in implementing the Prepaid Accounts Final Rule.

III. Summary of the Rulemaking Process, Comments Received, and the Final Rule

A. Summary of the Rulemaking Process

On March 9, 2017, the Bureau released the Effective Date NPRM with a request for public comment. It was published in the **Federal Register** on March 15, 2017.[5] The Bureau solicited comment on all aspects of the Effective Date NPRM. In particular, the Bureau asked commenters to provide specific detail and any available data regarding current and planned practices, as well as relevant knowledge and specific facts about any benefits, costs, or other impacts on industry, consumers, and other stakeholders of the Effective Date NPRM. The Bureau also solicited comment about the impact of the Effective Date NPRM on consumers who use prepaid accounts. The Bureau solicited comment regarding the proposed extension of the general effective date to April 1, 2018, as well as alternative dates for extension.

B. Comments Received

The comment period for the Effective Date NPRM closed on April 5, 2017. The Bureau received 28 comment letters from consumer advocacy groups; national and regional trade associations; members of the prepaid industry, including issuing banks and credit unions, program managers, and a digital wallet provider; several think tanks; an association of State financial regulators; a group of State attorneys general; and several commenters who did not identify their affiliations.[6]

Industry and trade association commenters all supported the Bureau's proposal to delay the effective date of most provisions of the Prepaid Accounts Final Rule; many expressly supported the Bureau's proposed six-month delay. A number of commenters cited the Bureau's concerns that some industry participants may need additional time to comply with the rule, in particular stating that providers might need to pull and replace non-compliant packaging notwithstanding the exception in the Prepaid Accounts Final Rule for prepaid account access devices and packaging materials with non-compliant disclosures that were produced in the normal course of business prior to the effective date of the rule.

A prepaid issuer, a digital wallet provider, and a trade association each expressed support for a six-month delay of the effective date, contingent on the Bureau also revisiting the Prepaid Accounts Final Rule to address certain substantive provisions of the rule that they argued required changes to disclosures and business models that could not be implemented by April 1, 2018. The provisions that they cited relate to the linking of credit cards with digital wallets that are capable of storing funds and to error resolution and limitations on liability for prepaid accounts where the financial institution has not completed its consumer identification and verification process with respect to the account. These commenters requested a 12-month delay to the Prepaid Accounts Final Rule's general effective date if the Bureau were unwilling to revisit those issues.

Some industry and trade association commenters argued that the Bureau should delay the effective date further by 12 months; two trade associations advocated for an 18-month delay. The commenters who requested a delay longer than six months cited a variety of reasons, including, for example, the time needed to develop and review new and updated disclosures and related materials; time required to retool J-hook card packaging to accommodate disclosures required by the rule; limitations in production capacity to print new prepaid card collateral; and the time needed to coordinate system updates with processors, vendors, and other service providers. A few commenters cited other reasons as well, such as the need to develop new systems and operational processes related to providing longer account transaction histories and calculating summary totals of fees. One trade association stated that providers need to develop an automated process to track cardholder agreements for purposes of submitting those agreements to the Bureau, which it stated would need to be in place as of the October 1, 2017 effective date in order to adequately track agreements. Another trade association commenter urged the Bureau to delay the effective date for longer than six months so that the Bureau could conduct a comprehensive study on the effects that the Prepaid Accounts Final Rule will have on consumers, specifically related to availability of prepaid accounts and their costs to consumers.

[5] 82 FR 13782 (Mar. 15, 2017).

[6] These comment letters are publicly available at *https://www.regulations.gov/*.

One credit union trade association commenter, requesting an 18-month extension, cited concerns that the proposed delayed effective date would coincide with the effective date of other regulations promulgated by the Bureau, in particular the provisions of the Bureau's mortgage servicing rule pertaining to successors-in-interest and the provision of periodic statements to consumers who have filed for bankruptcy. An association of State financial regulators also stated the compliance investments necessitated by other regulations such as the increased data collection/reporting requirements under the Home Mortgage Disclosure Act and additional identification requirements under the Bank Secrecy Act/Customer Due Diligence rule promulgated by another federal agency as a reason for its support of a six-month delay.

A coalition of 27 consumer advocacy groups urged the Bureau to implement the Prepaid Accounts Final Rule as soon as possible, citing the benefits of the rule for consumers who use prepaid accounts, and expressing concern that further delays in the effective date would cause harm to consumers. They stated that, if an extension is warranted, the Bureau should give the minimum extension necessary—which in their view would be no longer than the proposed six months—and not provide any further extensions. Another consumer advocacy group supported the Bureau's proposal to delay the rule's effective date by six months while reiterating that expeditious implementation of the Prepaid Accounts Final Rule remains essential to providing comprehensive consumer protections to users of prepaid accounts.

Two think tanks urged the Bureau to consider the possible negative effects on consumers of any delay in the effective date of the rule. Another think tank supported the six-month delay, stating that otherwise there is a risk that providers might pull cards without replacing them, thus hampering consumers' access to those products.

The commenters who did not identify their affiliation varied in their comments, either expressing support for the proposed delay in effective date or arguing that the effective date should not be extended to ensure that consumers receive the protections of the Prepaid Accounts Final Rule. A group of State attorneys general expressed support for the rule generally but did not comment specifically on the effective date of the rule.

Safe harbor for early compliance. Two trade association commenters urged the Bureau to establish a safe harbor for prepaid providers that comply with the Prepaid Accounts Final Rule (or portions of it) prior to the rule's effective date. These commenters expressed concerns that prepaid providers may be exposed to potential liability if they comply with the rule prior to the effective date, as they suggested the possibility that there may be some conflict between the Prepaid Accounts Final Rule and current requirements for payroll card accounts and government benefit accounts, though they did not provide any specific examples. One commenter stated that early compliance would benefit consumers and should not be discouraged.

Section 1005.19(f)(2). The Bureau did not propose to delay the October 1, 2018 effective date of the requirement that prepaid account issuers submit prepaid account agreements to the Bureau, which is set forth in Regulation E § 1005.19(f)(2). The Bureau did, however, solicit comment on whether it should also delay that effective date. Commenters generally did not express concerns that the October 1, 2018 agreement submission effective date would create compliance issues. One of the trade association commenters advocating for an 18-month delay of the Prepaid Accounts Final Rule's general effective date suggested that the Bureau contemplate a proportional delay for § 1005.19(f)(2), stating that it would help relieve pressure on credit unions that may need to submit credit card agreements pursuant to Regulation Z § 1026.58 for covered separate credit features accessible by hybrid prepaid-credit cards. Another trade association expressed concerns pertaining to general compliance with the requirement to submit prepaid account agreements to the Bureau, but did not suggest a delay to the effective date in § 1005.19(f)(2).

A program manager expressed concerns about the challenges it is facing in complying with the agreement posting requirement in § 1005.19, which appears to be due, at least in part, to the number of prepaid account agreements it manages. This commenter suggested making the effective dates set forth in § 1005.19(f)(1) and (2) consistent, but did not request that the Bureau delay the effective date for the agreement submission requirement. A commenter who did not identify his or her affiliation supported the Bureau's proposal not to delay the effective date of the agreement submission requirement, but suggested that the Bureau revisit that decision six months in advance of the effective date.

Substantive changes to the Prepaid Accounts Final Rule. As noted above, the Bureau did not propose in the Effective Date NPRM to amend any other substantive provisions of the Prepaid Accounts Final Rule, nor was the purpose of the Effective Date NPRM to seek comment generally on policy decisions made in the Prepaid Accounts Final Rule that industry or other stakeholders might wish the Bureau to reconsider. Nonetheless, many commenters used their comment letters to advocate for retaining, modifying, or eliminating various provisions of the rule. Commenters also suggested that the Bureau could use the additional time provided by delaying the effective date of the Prepaid Accounts Final Rule to revisit these issues.

C. The Final Rule

For the reasons set forth herein, the Bureau is finalizing as proposed a six-month delay of the October 1, 2017 effective date of the Prepaid Accounts Final Rule. In order to effect this change, the Bureau is also amending Regulation E §§ 1005.18(b)(2)(ix) and (h), and 1005.19(f)(1), and related commentary, to reflect the delayed effective date.

The Bureau continues to believe that the Prepaid Accounts Final Rule will provide significant benefits to consumers and that, therefore, expeditious implementation remains essential to provide comprehensive consumer protections to users of prepaid accounts. Having reviewed the comments received, the Bureau continues to believe that a six-month delay of the effective date, when added to the nearly 12 months previously provided for in the Prepaid Accounts Final Rule, allows sufficient time for industry to implement the rule and provides for an appropriate balance between the interests of the consumers who will receive the benefits of the rule and the needs of industry for an adequate implementation period. The Bureau appreciates the issues raised by commenters advocating for a longer delay to the Prepaid Accounts Final Rule's effective date, but does not believe that a longer delay is in fact warranted at this time.

Based on industry outreach efforts and the comments received in response to the Effective Date NPRM, the Bureau has determined that it should revisit at least two substantive issues through a separate notice and comment rulemaking process. Those issues relate to the linking of credit cards into digital wallets that are capable of storing funds and to error resolution and limitations on liability for prepaid accounts that

cannot be registered, have not yet been registered, or for which consumers have attempted but have not successfully completed the registration process. The Bureau is continuing to evaluate other concerns raised by industry and other stakeholders, including those discussed in comments on the Effective Date NPRM, and may address a limited number of other topics as well in its forthcoming proposal. The Bureau also will seek comment on whether any further extension of the effective date is needed in light of the specific changes proposed.

Safe harbor for early compliance. The Bureau agrees with commenters that early compliance with the Prepaid Accounts Final Rule could benefit both industry and consumers. The Bureau is not aware of any conflicts between the requirements of the Prepaid Accounts Final Rule and the current regulations applying to accounts that will be covered by the rule, nor were any specified by commenters. To the extent that financial institutions are engaged in consumer-friendly practices that are not specifically required under current regulations, the Bureau encourages those institutions to continue those practices, whether or not those practices are required by the Prepaid Accounts Final Rule. For example, financial institutions that already provide access to more than 60 days of account history to all current accountholders, or that provide full Regulation E error resolution and limited liability protections to their accountholders, are encouraged to continue to do so in advance of the effective date. However, financial institutions should ensure that their disclosures do not suggest to consumers that they are engaged in a consumer-friendly practice that they have not yet implemented.

The Bureau notes that the Prepaid Accounts Final Rule already contemplates that some aspects of the rule will be phased in, particularly with respect to the exception that does not require financial institutions to pull and replace non-compliant packaging that was manufactured, printed, or otherwise produced in the normal course of business prior to the effective date of the rule. Thus, the Bureau is not adding an explicit safe harbor for early compliance, although the Bureau does not believe that the absence of one will prevent financial institutions from implementing practices that are required by the Prepaid Accounts Final Rule prior to the effective date. The Bureau will seek comment in its forthcoming proposal on whether there are in fact any conflicts between requirements of the Prepaid Accounts Final Rule and the current regulations applying to accounts that will be covered by the rule that would merit a more formal safe harbor.

Section 1005.19(f)(2). The Bureau is maintaining the October 1, 2018 effective date set forth in Regulation E § 1005.19(f)(2) for the agreement submission requirement, as proposed. In the Effective Date NPRM, the Bureau indicated that its industry outreach had not indicated that the effective date of this provision was causing significant compliance concerns in and of itself, and the comments to the Effective Date NPRM support that conclusion. The Bureau does not believe that the few concerns raised by commenters warrant a delay to the October 1, 2018 effective date.

IV. Legal Authority

The Bureau is exercising its rulemaking authority pursuant to EFTA section 904(a) and (c), Dodd-Frank Act sections 1022(b)(1) and 1032(a), and TILA section 105(a) to delay the effective date of the Prepaid Accounts Final Rule.

The legal authority for the Prepaid Accounts Final Rule is described in detail in the Prepaid Accounts Final Rule's **SUPPLEMENTARY INFORMATION**.[7] As amended by the Dodd-Frank Act, EFTA section 904(a) and (c)[8] authorizes the Bureau to prescribe regulations to carry out the purposes of EFTA and provide that such regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions, for any class of electronic fund transfers or remittance transfers as in the judgment of the Bureau are necessary or proper to effectuate the purposes of EFTA, to prevent circumvention or evasion thereof, or to facilitate compliance therewith. As amended by the Dodd-Frank Act, TILA section 105(a)[9] directs the Bureau to prescribe regulations to carry out the purposes of TILA and provides that such regulations may contain such additional requirements, classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for all or any class of transactions as in the judgment of the Bureau are necessary or proper to effectuate the purposes of TILA, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.[10] Section 1032(a) of the Dodd-Frank Act[11] provides that the Bureau may prescribe rules to ensure that the features of any consumer financial product or service, both initially and over the term of the product or service, are fully, accurately, and effectively disclosed to consumers in a manner that permits consumers to understand the costs, benefits, and risks associated with the product or service, in light of the facts and circumstances. Additionally, under Dodd-Frank Act section 1022(b)(1),[12] the Bureau has general authority to prescribe rules as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.

EFTA, TILA, and Title X of the Dodd-Frank Act are Federal consumer financial laws. Accordingly, in finalizing this rule, the Bureau is exercising its authority under Dodd-Frank Act section 1022(b)[13] to prescribe rules under EFTA, TILA, and Title X of the Dodd-Frank Act that carry out the purposes and objectives and prevent evasion of those laws. Section 1022(b)(2) of the Dodd-Frank Act[14] prescribes certain standards for rulemaking that the Bureau must follow in exercising its authority under section 1022(b)(1).

V. Provisions Affected by the Final Rule

1005.18 Requirements for Financial Institutions Offering Prepaid Accounts

18(b) Pre-Acquisition Disclosure Requirements

18(b)(2) Short Form Disclosure Content

18(b)(2)(ix) Disclosure of Additional Fee Types

Regulation E § 1005.18(b)(2) describes the short form disclosure content requirements for prepaid accounts. Section 1005.18(b)(2)(ix) contains requirements specifically regarding additional fee types. Section

[7] *See, e.g.,* 81 FR 83934, 83958–60 (Nov. 22, 2016).

[8] 15 U.S.C. 1593b(a).

[9] 15 U.S.C. 1604(a).

[10] TILA section 105(d) generally provides that a regulation requiring any disclosure that differs from the disclosures previously required by parts A, D, or E of TILA shall have an effective date ''of that October 1 which follows by at least six months the date of promulgation.'' Section 105(d) further provides that the Bureau ''may at its discretion take interim action by regulation, amendment, or interpretation to lengthen the period of time permitted for creditors or lessors to adjust their forms to accommodate new requirements.'' Although the Bureau desires to have the rule take effect as soon as feasible given its value for consumers, the Bureau is using its discretion under TILA section 105(d) to lengthen the period in this instance. The Bureau believes that the changes the Prepaid Accounts Final Rule will require to disclosures pursuant to Regulation Z warrant a delayed effective date that conforms to the rest of the rule.

[11] 12 U.S.C. 5532(a).

[12] 12 U.S.C. 5512(b)(1).

[13] 12 U.S.C. 5512(b).

[14] 12 U.S.C. 5512(b)(2).

1005.18(b)(2)(ix)(D) describes the timing requirements for the initial assessment of an additional fee types disclosure, and § 1005.18(b)(2)(ix)(E) describes the timing for the periodic reassessment and update of additional fee types disclosures. The Bureau is revising the dates in the regulatory text and headings in § 1005.18(b)(2)(ix)(D)(*1*) through (*3*) and in comments 18(b)(2)(ix)(D)(*1*)–1, 18(b)(2)(ix)(D)(*2*)–1, 18(b)(2)(ix)(E)(*2*)–1.i through iii, and 18(b)(2)(ix)(E)(*3*)–1 to reflect the new April 1, 2018 effective date. The Bureau is not, however, changing the October 1, 2014 date in § 1005.18(b)(2)(ix)(D)(*1*) and related commentary, which is the beginning of the time frame for which financial institutions may calculate additional fee types to disclose, so as not to inconvenience financial institutions that have already prepared their additional fee types calculations in reliance on that date.

18(h) Effective Date and Special Transition Rules for Disclosure Provisions

Regulation E § 1005.18(h) sets forth several provisions to make clearer the Prepaid Accounts Final Rule's general October 1, 2017 effective date. The Bureau is revising the dates in the regulatory text and headings throughout § 1005.18(h) and in comments 18(h)–1, 2, 6.i and 6.ii to reflect the new April 1, 2018 effective date.

1005.19 Internet Posting of Prepaid Account Agreements

19(f) Effective Date

19(f)(1) Effective Date

Regulation E § 1005.19(f)(1) sets forth the general effective date for the prepaid account agreement posting requirements in § 1005.19, other than the delayed requirement to submit prepaid account agreements to the Bureau pursuant to § 1005.19(b), as addressed in § 1005.19(f)(2). The Bureau is revising the date in the regulatory text of § 1005.19(f)(1) to reflect the new April 1, 2018 effective date. As discussed above, the Bureau is not delaying the October 1, 2018 date for submission of agreements to the Bureau.

VI. Effective Date

The Bureau is delaying the October 1, 2017 effective date of the Prepaid Accounts Final Rule by six months, to April 1, 2018. Additionally, the Bureau is making conforming amendments to Regulation E §§ 1005.18(b)(2)(ix) and (h) and 1005.19(f)(1), and related commentary, as described above, which will also become effective April 1, 2018. This final rule with respect to the effective date of the Prepaid Accounts Final Rule will become effective 30 days after publication in the **Federal Register**, as required under section 553(d) of the Administrative Procedure Act.[15]

VII. Dodd-Frank Act Section 1022(b) Analysis

In developing the final rule, the Bureau has considered the potential benefits, costs, and impacts required by section 1022(b)(2) of the Dodd-Frank Act. Specifically, section 1022(b)(2) calls for the Bureau to consider the potential benefits and costs of a regulation to consumers and covered persons, including the potential reduction of consumer access to consumer financial products or services, the impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act, and the impact on consumers in rural areas. In addition, 12 U.S.C. 5512(b)(2)(B) directs the Bureau to consult, before and during the rulemaking, with appropriate prudential regulators or other Federal agencies, regarding consistency with the objectives those agencies administer. The Bureau consulted, or offered to consult with, the prudential regulators, the Department of the Treasury, the Securities and Exchange Commission, and the Federal Trade Commission regarding consistency with any prudential, market, or systemic objectives administered by these agencies.

The Bureau previously considered the benefits, costs, and impacts of the Prepaid Accounts Final Rule's major provisions.[16] The Bureau also previously considered the benefits, costs, and impacts of delaying the effective date in the Effective Date NPRM and solicited comment regarding that discussion.[17] Where comments discuss the benefits or costs of delaying the effective date in the context of commenting on the merits of the provision, the Bureau has addressed those comments above. In this respect, the Bureau's section 1022(b)(2) discussion is not limited to the discussion in this part of the final rule.

In considering the relevant potential benefits, costs, and impacts, the Bureau has applied its knowledge and expertise concerning consumer financial markets and information received in response to its request for comment. Compared to the baseline established by the Prepaid Accounts Final Rule,[18] the delay of the effective date of the Prepaid Accounts Final Rule will generally benefit covered persons by facilitating initial compliance with the Prepaid Accounts Final Rule's requirements and delaying the start of ongoing compliance costs. Because covered persons retain the option of complying with the Prepaid Accounts Final Rule's original effective date, any delay in the effective date will not increase costs to providers.

Consumers may experience both benefits and costs from a delay in the effective date. If a delay in the effective date helps to preserve consumer access to covered products by minimizing industry disruption, both consumers and covered persons will benefit. However, the Bureau believes that delaying the effective date may also delay consumers' realization of benefits arising from the protections provided by the Prepaid Accounts Final Rule, thereby potentially imposing a cost on consumers. One think tank commenter stated that, although prepaid providers often offer some protections voluntarily, providers may alter or remove protections so long as the rule is not in effect. Another think tank commenter stated that the primary cost of the delay would be that consumers would not have the information needed to make appropriate choices among card products. However, the commenter also stated that providers have made improvements with respect to disclosure recently and that it believed that the risk of consumers not having adequate information for decision-making during the intervening period was low.

The Bureau does not expect the final rule to have a differential impact on depository institutions and credit unions with $10 billion or less in total assets, as described in section 1026 of the Dodd-Frank Act, or on consumers in rural areas. The Bureau does not believe that the delay in the effective date will reduce consumer access to consumer financial products and services, and it may increase consumer access by decreasing the possibility of industry disruption arising from the Prepaid Accounts Final Rule's implementation.

VIII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act[19] as amended by the Small Business Regulatory Enforcement Fairness Act of

[15] 5 U.S.C. 553(d).

[16] 81 FR 83934, 84269 (Nov. 22, 2016).

[17] 82 FR 13782, 13785 (Mar. 15, 2017).

[18] The Bureau has discretion in any rulemaking to choose an appropriate scope of analysis with respect to potential benefits, costs, and impacts and an appropriate baseline.

[19] Public Law 96–354, 94 Stat. 1164 (1980).

1996 [20] (RFA) requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small not-for-profit organizations.[21] The RFA defines a ''small business'' as a business that meets the size standard developed by the Small Business Administration (SBA) pursuant to the Small Business Act.[22]

The RFA generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the agency certifies that the rule would not have a significant economic impact on a substantial number of small entities.[23] The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small entity representatives prior to proposing a rule for which an IRFA is required.[24]

The undersigned certified that the Effective Date NPRM would not have a significant economic impact on a substantial number of small entities and that an IRFA was therefore not required. The Bureau arrived at this conclusion because the Effective Date NPRM would delay the effective date of the Prepaid Accounts Final Rule, which itself would not have a significant economic impact on a substantial number of small entities.[25] Upon considering relevant comments, the Bureau's conclusion that the rule will not have a significant economic impact on a substantial number of small entities is unchanged. Therefore, a FRFA is not required.[26]

As discussed above, this final rule delays the effective date of the Prepaid Accounts Final Rule to April 1, 2018. The six-month delay in the effective date will benefit small entities by providing additional flexibility with respect to the timing of the Prepaid Accounts Final Rule's implementation. In addition to generally providing increased flexibility, the delay in the effective date will permit small entities to delay the commencement of any ongoing costs that result from complying with the Prepaid Accounts Final Rule. Because small entities retain the option of complying with the Prepaid Accounts Final Rule's original effective date, the final rule's delay of the effective date will not increase costs incurred by small entities relative to the baseline established by the Prepaid Accounts Final Rule.

Accordingly, the undersigned hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

IX. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[27] Federal agencies are generally required to seek Office of Management and Budget (OMB) approval for information collection requirements prior to implementation. The collections of information related to the Prepaid Accounts Final Rule have been previously reviewed and approved by OMB in accordance with the PRA and assigned OMB Control Number 3170–0014 (Regulation E) and 3170–0015 (Regulation Z). Under the PRA, the Bureau may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to an information collection unless the information collection displays a valid control number assigned by OMB.

The Bureau has determined that this final rule will not have any new or revised information collection requirements (recordkeeping, reporting, or disclosure requirements) on covered entities or members of the public that would constitute collections of information requiring OMB approval under the PRA.

List of Subjects in 12 CFR Part 1005

Banking, Banks, Consumer protection, Credit unions, Electronic fund transfers, National banks, Remittance transfers, Reporting and recordkeeping requirements, Savings Associations.

Authority and Issuance

For the reasons set forth above, Regulation E, 12 CFR part 1005, as amended November 22, 2016, at 81 FR 83934, is further amended as follows:

PART 1005—ELECTRONIC FUND TRANSFERS (REGULATION E)

■ 1. The authority citation for part 1005 continues to read as follows:

Authority: 12 U.S.C. 5512, 5581; 15 U.S.C. 1693b. Subpart B is also issued under 12 U.S.C. 5601 and 15 U.S.C. 1693o–1.

Subpart A—General

§ 1005.18 Requirements for financial institutions offering prepaid accounts.

■ 2. Section 1005.18 is amended by revising all references to ''October 1, 2017'' to read ''April 1, 2018'' in paragraphs (b)(2)(ix)(D)(*1*) through (*3*) and (h).

§ 1005.19 Internet posting of prepaid account agreements.

■ 3. Section 1005.19 is amended by revising the reference to ''October 1, 2017'' to read ''April 1, 2018'' in paragraph (f)(1).

■ 4. In Supplement I to part 1005:

■ a. Under *Section 1005.18—Requirements for Financial Institutions Offering Prepaid Accounts:*

■ i. In subsection *18(b)(2)(ix)(D)(1) Existing Prepaid Account Programs as of October 1, 2017,* the subsection heading and paragraph 1 are amended by revising all references to ''October 1, 2017'' to read ''April 1, 2018''.

■ ii. In subsection *18(b)(2)(ix)(D)(2) Existing Prepaid Account Programs as of October 1, 2017 with Unavailable Data,* the subsection heading and paragraph 1 are amended by revising all references to ''October 1, 2017'' to read ''April 1, 2018''.

■ iii. In subsection *18(b)(2)(ix)(E)(2) Periodic Reassessment,* paragraphs 1.i through iii are amended by:

■ A. Revising all references to ''October 1, 2017'' to read ''April 1, 2018''.

■ B. Revising all references to ''October 1, 2019'' to read ''April 1, 2020''.

■ C. Revising the reference to ''January 1, 2020'' to read ''July 1, 2020''.

■ iv. In subsection *18(b)(2)(ix)(E)(3) Fee Schedule Change,* paragraph 1 is amended by revising the reference to ''October 1, 2017'' to read ''April 1, 2018''.

■ v. In subsection *18(h) Effective Date and Special Transition Rules for Disclosure Provisions,* paragraphs 1 and 2 are amended by revising all references to ''October 1, 2017'' to read ''April 1, 2018''.

■ vi. In subsection *18(h) Effective Date and Special Transition Rules for Disclosure Provisions,* paragraph 6 introductory text and paragraph 6.i are amended by:

■ A. Revising all references to ''October 1, 2017'' to read ''April 1, 2018''.

---

[20] Public Law 104–21, section 241, 110 Stat. 847, 864–65 (1996).

[21] 5 U.S.C. 601 through 612. The term '' 'small organization' means any not-for-profit enterprise which is independently owned and operated and is not dominant in its field, unless an agency establishes [an alternative definition under notice and comment].'' 5 U.S.C. 601(4). The term '' 'small governmental jurisdiction' means governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand, unless an agency establishes [an alternative definition after notice and comment].'' 5 U.S.C. 601(5).

[22] 5 U.S.C. 601(3). The Bureau may establish an alternative definition after consulting with the SBA and providing an opportunity for public comment. *Id.*

[23] 5 U.S.C. 601 through 612.

[24] 5 U.S.C. 609.

[25] 81 FR 83934, 84308 (Nov. 22, 2016).

[26] 5 U.S.C. 605(b).

[27] 44 U.S.C. 3501 *et seq.*

■ B. Revising the reference to ''November 1, 2017'' to read ''May 1, 2018''.

■ C. Revising the reference to ''October 1, 2018'' to read ''April 1, 2019''.

■ D. Revising the reference to ''October 1, 2019'' to read ''April 1, 2020''.

■ vii. In subsection *18(h) Effective Date and Special Transition Rules for Disclosure Provisions,* paragraph 6.ii is revised to read as follows:

Supplement I to Part 1005—Official Interpretations

* * * * *

Section 1005.18—Requirements for Financial Institutions Offering Prepaid Accounts

* * * * *

18(h) Effective Date and Special Transition Rules for Disclosure Provisions

* * * * *

■ 6. *Account information not available on April 1, 2018. * * **

ii. *Summary totals of fees.* A financial institution must display a summary total of the amount of all fees assessed by the financial institution on the consumer's prepaid account for the prior calendar month and for the calendar year to date pursuant to § 1005.18(c)(5) beginning April 1, 2018. If, on April 1, 2018, the financial institution does not have readily accessible the data necessary to calculate the summary totals of fees for the prior calendar month or the calendar year to date, the financial institution may provide the summary totals using the data it has until the financial institution has accumulated the data necessary to display the summary totals as required by § 1005.18(c)(5). That is, the financial institution would first display the monthly fee total beginning on May 1, 2018 for the month of April, and the year-to-date fee total beginning on April 1, 2018, provided the financial institution discloses that it is displaying the year-to-date total beginning on April 1, 2018 rather than for the entire calendar year 2018. On January 1, 2019, financial institutions must begin displaying year-to-date fee totals for calendar year 2019.

* * * * *

Dated: April 19, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017–08341 Filed 4–24–17; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0054; Airspace Docket No. 17–ANM–2]

Amendment of Class D and Class E Airspace; Aspen, CO; and Pueblo, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends the legal description of the Class E airspace designated as an extension, at Aspen Pitkin County/Sardy Field, Aspen, CO, and Pueblo Memorial Airport, Pueblo, CO, eliminating the Notice to Airmen (NOTAM) part-time status. This action also updates the geographic coordinates of these airports in the associated Class D and E airspace areas to match the FAA's current aeronautical database. This action does not affect the charted boundaries or operating requirements of the airspace.

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: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it removes NOTAM information in Class D extension airspace and amends the airport's geographic coordinates in associated Class D and Class E airspace for the above noted airports in Aspen, CO, and Pueblo, CO.

History

The FAA Aeronautical Information Services branch found the Class E airspace designated as an extension for Aspen Pitkin County/Sardy Field, Aspen, CO, and Pueblo Memorial Airport, Pueblo, CO, as published in FAA Order 7400.11A, Airspace Designations and Reporting Points, does not require part-time status. Also, after a review, the FAA found the geographic coordinates referenced in the airspace legal descriptions under Class D and Class E airspace areas for Aspen Pitkin County/Sardy Field, Aspen, CO, and Pueblo Memorial Airport, Pueblo, CO do not match the FAA's current aeronautical database. This rulemaking makes these updates.

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 part 71.1. The Class D and 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 action amends Title 14, Code of Federal Regulations (14 CFR) part 71 by eliminating the following NOTAM information from the regulatory text of Class E airspace designated as an extension to Class D, at Aspen Pitkin County/Sardy Field, Aspen, CO, and Pueblo Memorial Airport, Pueblo, CO: ''This Class E 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 Airport/Facility Directory.'' Also, this action updates the geographic coordinates of these airports in the associated Class D and Class E airspace areas to match the FAA's current aeronautical database.

An editorial change is made in the airspace description for Class D airspace and Class E surface area airspace, replacing Airport/Facility Directory with the current term Chart Supplement.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. 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:

Paragraph 5000 Class D Airspace.

* * * * *

ANM CO D Aspen, CO [Modified]

Aspen-Pitkin County/Sardy Field, CO
(Lat. 39°13′19″ N., long. 106°52′06″ W.)

That airspace extending upward from the surface to and including 10,300 feet MSL within a 4.3-mile radius of Aspen-Pitkin County/Sardy 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.

* * * * *

ANM CO D Pueblo, CO [Modified]

Pueblo Memorial Airport, CO
(Lat. 38°17′24″ N., long. 104°29′53″ W.)

That airspace extending upward from the surface to and including 7,200 feet MSL within a 5.6-mile radius of Pueblo Memorial Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM CO E2 Aspen, CO [Modified]

Aspen-Pitkin County/Sardy Field, CO
(Lat. 39°13′19″ N., long. 106°52′06″ W.)

Within a 4.3-mile radius of Aspen-Pitkin County/Sardy Field. This Class E airspace 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.

* * * * *

ANM CO E2 Pueblo, CO [Modified]

Pueblo Memorial Airport, CO
(Lat. 38°17′24″ N., long. 104°29′53″ W.)

Within a 5.6-mile radius of Pueblo Memorial Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM CO E4 Aspen, CO [Modified]

Aspen-Pitkin County/Sardy Field, CO
(Lat. 39°13′19″ N., long. 106°52′06″ W.)

That airspace extending upward from the surface within 2.7 miles each side of the 316° bearing from Aspen-Pitkin County/Sardy Field extending from the 4.3-mile radius of the airport to 7.4 miles northwest of the airport.

* * * * *

ANM CO E4 Pueblo, CO [Modified]

Pueblo Memorial Airport, CO
(Lat. 38°17′24″ N., long. 104°29′53″ W.)

That airspace extending upward from the surface within 1.8 miles each side of the Pueblo Memorial Airport 269° bearing extending from the 5.6-mile radius of the airport to 7 miles west of the airport, and within 3.5 miles each side of the Pueblo Memorial Airport 080° bearing extending from the 5.6-mile radius of the airport to 11.4 miles east of the airport.

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

* * * * *

ANM CO E5 Aspen, CO [Modified]

Aspen-Pitkin County/Sardy Field, CO
(Lat. 39°13′19″ N., long. 106°52′06″ W.)

That airspace extending upward from 700 feet above the surface beginning at lat. 39°04′00″ N., long. 106°40′02″ W.; to lat. 39°04′00″ N., long. 107°44′02″ W.; to lat. 39°39′00″ N., long. 107°44′02″ W.; to lat. 39°39′00″ N., long. 106°40′02″ W., to the point of beginning; that airspace extending upward from 1,200 feet above the surface beginning at lat. 40°50′00″ N., long. 108°00′02″ W.; to lat. 40°50′00″ N., long. 107°30′02″ W.; to lat. 40°32′00″ N., long. 106°00′02″ W.; to lat. 39°19′00″ N., long. 106°00′02″ W.; to lat. 39°19′00″ N., long. 106°30′02″ W.; to lat. 39°00′00″ N., long. 106°30′02″ W.; to lat. 39°00′00″ N., long. 108°11′02″ W.; to lat. 39°30′00″ N., long. 108°50′02″ W.; to lat. 40°25′30″ N., long. 108°54′32″ W.; to lat. 40°28′00″ N., long. 108°12′17″ W., to point of beginning, excluding Federal airways.

* * * * *

ANM CO E5 Pueblo, CO [Modified]

Pueblo Memorial Airport, CO
(Lat. 38°17′24″ N., long. 104°29′53″ W.)

That airspace extending upward from 700 feet above the surface within a 21.8-mile radius of Pueblo Memorial Airport, and within a 28.8-mile radius of Pueblo Memorial Airport clockwise between the 070° and 133° bearing of the airport; that airspace extending upward from 1,200 feet above the surface within a 60-mile radius of Pueblo Memorial Airport.

Issued in Seattle, Washington, on April 18, 2017.

Sam S.L. Shrimpton,

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

[FR Doc. 2017–08243 Filed 4–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0217; Airspace Docket No. 17–ANM–8]

Amendment of Class E Airspace; Moses Lake, WA; Olympia, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends the legal descriptions of the Class E airspace area designated as an extension to a Class D airspace at Grant County International Airport (formerly Grant County Airport), Moses Lake, WA, and Olympia Regional Airport (formerly Olympia Airport), Olympia, WA, by eliminating the Notice to Airmen (NOTAM) part-time status. Also, this action updates the airport name for Grant County International Airport and Olympia Regional Airport and updates the geographic coordinates for Grant County International Airport, Moses Lake VOR/DME, and Fairchild AFB, as listed in the Grant County International Airport Class D and Class E airspace legal descriptions. This action does not affect the charted boundaries or operating requirements of the airspace.

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: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the legal descriptions of Class E airspace at Grant County International Airport, Moses Lake, WA, and Olympia Regional Airport, Olympia, WA, to remove the NOTAM part-time status.

History

The FAA Aeronautical Information Services branch found the Class E airspace designated as an extension to a Class D area at Grant County International Airport, Moses Lake, WA, and Olympia Regional Airport, Olympia, WA, as published in FAA Order 7400.11A, Airspace Designations and Reporting Points, does not require part-time status. The FAA also found the airport names for Grant County International Airport (formerly Grant County Airport) and Olympia Regional Airport (formerly Olympia Airport) have changed. Additionally, after a review, the FAA found the geographic coordinates listed in Grant County International Airport's Class D and Class E airspace legal descriptions for Grant County International Airport, Moses Lake VOR/DME, and Fairchild AFB, do not match the FAA's aeronautical database.

Also, an editorial change is made to the Class D and Class E airspace legal descriptions replacing Airport/Facility Directory with the term Chart Supplement, and adds the city name Spokane to Fairchild AFB listed under the header for Grant County International Airport in Class E 700 foot airspace.

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.

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 eliminating the following language from the legal description of Class E airspace designated as an extension to a Class D or Class E surface area at Grant County International Airport, Moses Lake, WA, and Olympia Regional Airport, Olympia, ''This Class E 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 Airport/Facility Directory.''

Also, this action updates the airport names for Grant County International Airport (formerly Grant County Airport) and Olympia Regional Airport (formerly Olympia Airport). Additionally, this action updates the geographic coordinates for Grant County International Airport, Moses Lake VOR/DME, and Fairchild AFB as listed in the Grant County International Airport Class D and Class E airspace legal

descriptions. Lastly, this action replaces the outdated term Airport/Facility Directory with the term Chart Supplement in the Class D and Class E airspace legal descriptions, and adds the city name Spokane to Fairchild AFB listed under the header for Grant County International Airport in Class E airspace extending upward from 700 feet above the surface.

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

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 is unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. 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:

Paragraph 5000 Class D Airspace.

* * * * *

ANM WA D Moses Lake, WA [Modified]

Grant County International Airport, WA
(Lat. 47°12′31″ N., long. 119°19′09″ W.)

That airspace extending upward from the surface to and including 3,700 feet MSL within a 5.7-mile radius of Grant County International Airport, excluding that airspace within an area bounded by a line beginning at lat. 47°11′31″ N., long. 119°10′59″ W., to lat. 47°09′59″ N., long. 119°14′55″ W., to lat. 47°07′34″ N., long. 119°14′55″ W., thence counterclockwise via a 5.7-mile radius of Grant County International Airport to the point of beginning. 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.

ANM WA D Olympia, WA [Modified]

Olympia Regional Airport, WA
(Lat. 46°58′10″ N., long. 122°54′09″ W.)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4-mile radius of Olympia 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.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM WA E2 Moses Lake, WA [Modified]

Grant County International Airport, WA
(Lat. 47°12′31″ N., long. 119°19′09″ W.)

That airspace extending upward from the surface within a 5.7-mile radius of the Grant County International Airport, excluding that airspace within an area bounded by a line beginning at lat. 47°11′31″ N., long. 119°10′59″ W.; to lat. 49°09′59″ N., long. 119°14′55″ W.; to lat. 47°07′34″ N., long. 119°14′55″ W.; thence counterclockwise via a 5.7-mile radius of the Grant County International Airport to the point of beginning. 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.

ANM WA E2 Olympia, WA [Modified]

Olympia Regional Airport, WA
(Lat. 46°58′10″ N., long. 122°54′09″ W.)

Within a 4-mile radius of the Olympia Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM WA E4 Moses Lake, WA [Modified]

Grant County International Airport, WA
(Lat. 47°12′31″ N., long. 119°19′09″ W.)
Ephrata VORTAC
(Lat. 47°22′41″ N., long. 119°25′26″ W.)
Moses Lake VOR/DME
(Lat. 47°12′39″ N., long. 119°19′01″ W.)

That airspace extending upward from the surface within 1.8 miles each side of the Ephrata VORTAC 156° radial extending from the 5.7-mile radius of Grant County International Airport to 2.7 miles southeast of the VORTAC, and within 2.2 miles each side of the Moses Lake VOR/DME 050° radial extending from the 5.7-mile radius of the airport to 13.5 miles northeast of the VOR/DME, and within 3.5 miles each side of the Moses Lake VOR/DME 063° radial extending from the 5.7-mile radius of the airport to 12.9 miles northeast of the VOR/DME, excluding the airspace within the Ephrata Municipal Airport, WA, Class E airspace area.

ANM WA E4 Olympia, WA [Modified]

Olympia Regional Airport, WA
(Lat. 46°58′10″ N., long. 122°54′09″ W.)
Olympia VORTAC
(Lat. 46°58′18″ N., long. 122°54′07″ W.)

That airspace extending upward from the surface within 3.5 miles each side of the Olympia VORTAC 195° radial extending from the 4-mile radius of Olympia Regional Airport to 9.2 miles south of the VORTAC, and within 1.8 miles each side of the Olympia VORTAC 010° radial extending from the 4-mile radius of the airport to 4.8 miles north of the VORTAC.

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

* * * * *

ANM WA E5 Moses Lake, WA [Modified]

Grant County International Airport, WA
(Lat. 47°12′31″ N., long. 119°19′09″ W.)
Ephrata VORTAC
(Lat. 47°22′41″ N., long. 119°25′26″ W.)
Spokane, Fairchild AFB
(Lat. 47°36′54″ N., long. 117°39′21″ W.)

That airspace extending upward from 700 feet above the surface within a 16.6-mile radius of Grant County International Airport, and within a 16.6-mile radius of the Ephrata VORTAC; that airspace extending upward

from 1,200 feet above the surface bounded on the north by lat. 47°45′00″ N., on the east by the 45.3-mile radius of Fairchild AFB, on the southeast by V–204, on the south by V–298, and on the west by long. 120°00′04″ W.

Issued in Seattle, Washington, on April 18, 2017.

Sam S.L. Shrimpton,

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

[FR Doc. 2017–08241 Filed 4–24–17; 8:45 am]

BILLING CODE 4910–13–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Parts 2004 and 2005

[Docket Numbers USTR–2016–0015 and USTR–2016–0027]

RIN 0350–AA08 and 0350–AA09

Freedom of Information Act and Privacy Act Policies and Procedures

AGENCY: Office of the United States Trade Representative.

ACTION: Final rule.

SUMMARY: This rule makes minor technical changes to the Office of the United States Trade Representative (USTR) Freedom of Information Act (FOIA) regulation. It also adopts as a final rule without change the proposed rule updating USTR's Privacy Act implementing regulation. USTR published both the FOIA and Privacy Act rules in December 2016.

DATES: The final rule will become effective April 25, 2017.

FOR FURTHER INFORMATION CONTACT: Janice Kaye, Monique Ricker or Melissa Keppel, Office of General Counsel, United States Trade Representative, Anacostia Naval Annex, Building 410/Door 123, 250 Murray Lane SW., Washington, DC 20509, *jkaye@ustr.eop.gov; mricker@ustr.eop.gov; mkeppel@ustr.eop.gov,* or the USTR FOIA Public Liaison at *FOIA@ustr.eop.gov* or 202–395–3419.

SUPPLEMENTARY INFORMATION:

I. FOIA Technical Changes

On December 15, 2016, USTR published a final rule revising its existing regulations under the FOIA. *See* 81 FR 90715. Since that time, we became aware of four comments letters that we did not address in the final rulemaking. Two of the comments simply supported the FOIA's goal of government transparency. The third comment suggested that USTR periodically release its FOIA log, which we plan to do on a quarterly basis on the FOIA page of the USTR Web site at *https://ustr.gov/about-us/reading-room/freedom-information-act-foia/frequent-requested-records.* The fourth comment was from the Office of Government Information Services of the National Archives and Records Administration (OGIS). OGIS asked us to refer to the services they offer as dispute resolution services rather than mediation services and to add a description of those services to our definition of the term ''OGIS.'' In response, we revised the definition of OGIS in Subpart A and updated the references to OGIS elsewhere in the rule. The remainder of the third and fourth comment letters largely concerned changes we already made in response to feedback from the U.S. Department of Justice (DoJ). Based on 2017 FOIA training provided by DoJ, we are adding a new paragraph (4) to section 2004.9(g), which concerns payment of advance fees, to clarify that we may collect fees a requester owes before we release responsive records.

II. Privacy Act Rule

On December 22, 2016, USTR published a proposed rule to update its implementing rule under the Privacy Act of 1974. *See* 81 FR 93857. The proposed rule describes how individuals can find out if a USTR system of records contains information about them and, if so, how to access or amend a record. The proposed rule would move the Privacy Act regulation from part 2005 into a new subpart C to part 2004. The 60-day comment period ended on January 23, 2017. We did not receive any comments and are adopting the proposed rule as a final rule without change.

III. Regulatory Flexibility Act

USTR has considered the impact of the final rule and determined that it is not likely to have a significant economic impact on a substantial number of small business entities because it is applicable only to USTR's internal operations and legal obligations. *See* 5 U.S.C. 601 *et seq.*

IV. Paperwork Reduction Act

The final rule does not contain any information collection requirement that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects

15 CFR Part 2004

Administrative practice and procedure, Courts, Disclosure, Exemptions, Freedom of information, Government employees, Privacy, Records, Subpoenas, Testimony.

15 CFR Part 2005

Privacy.

For the reasons stated in the preamble, the Office of the United States Trade Representative is amending chapter XX of title 15 of the Code of Federal Regulations as follows:

PART 2004—DISCLOSURE OF RECORDS AND INFORMATION

Subpart A—Definitions

■ 1. The authority citation for subpart A continues to read as follows:

Authority: 19 U.S.C. 2171(e)(3).

■ 2. Amend § 2004.0 by revising the definition of the term ''OGIS'' to read as follows:

§ 2004.0 Definitions.

* * * * *

OGIS means the Office of Government Information Services of the National Archives and Records Administration. OGIS offers FOIA dispute resolution services, which is a voluntary process. If USTR agrees to participate in the dispute resolution services provided by OGIS, USTR will actively engage as a partner to the process in an attempt to resolve the dispute.

* * * * *

Subpart B—Freedom of Information Act Policies and Procedures

■ 3. The authority citation for subpart B continues to read as follows:

Authority: 5 U.S.C. 552; 19 U.S.C. 2171(e)(3); Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 FR 10012, Mar. 27, 1987.

■ 4. Amend § 2004.7 by revising paragraph (d)(2)(iv) to read as follows:

§ 2004.7 What will our response to your FOIA request include?

* * * * *

(d) * * *

(2) * * *

(iv) Information about our FOIA Public Liaison and the dispute resolution services provided by OGIS; and

* * * * *

■ 5. Amend § 2004.8 by revising paragraph (c) to read as follows:

§ 2004.8 What can I do if I am dissatisfied with USTR's response to my FOIA request?

* * * * *

(c) *Decisions on appeals.* The FOIA Appeals Committee will notify you of its appeal decision in writing within twenty days from the date it receives the appeal. A decision that upholds the FOIA Office's determination in whole or

in part will identify the reasons for the affirmance, including any FOIA exemptions applied, and notify you of your statutory right to seek judicial review. The notice also will inform you of the dispute resolution services offered by OGIS as a non-exclusive alternative to litigation. If the FOIA Appeals Committee remands or modifies the original response, the FOIA Office will further process the request in accordance with the appeal determination and will respond directly to you.

* * * * *

■ 6. Amend § 2004.9 by adding paragraph (g)(4) to read as follows:

§ 2004.9 Fees.

* * * * *

(g) * * *

(4) Before we provide records in response to your request, we may collect payments you owe for work we already have completed.

* * * * *

■ 7. Add subpart C, consisting of §§ 2004.20 through 2004.29 to read as follows:

Subpart C—Privacy Act Policies and Procedures

Sec.

2004.20 Definitions.
2004.21 Purpose and scope.
2004.22 How do I make a Privacy Act request?
2004.23 How will USTR respond to my Privacy Act request?
2004.24 What can I do if I am dissatisfied with USTR's response to my Privacy Act request?
2004.25 What does it cost to get records under the Privacy Act?
2004.26 Are there any exemptions from the Privacy Act?
2004.27 How are records secured?
2004.28 Use and collection of Social Security numbers.
2004.29 Employee responsibilities under the Privacy Act.

Subpart C—Privacy Act Policies and Procedures

Authority: 5 U.S.C. 552a; 19 U.S.C. 2171(e)(3).

§ 2004.20 Definitions.

For purposes of this subpart:

Access means making a record available to a subject individual.

Amendment means any correction, addition to or deletion of information in a record.

Individual means a natural person who either is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.

Maintain means to keep or hold and preserve in an existing state, and includes the terms collect, use, disseminate and control.

Privacy Act Office means the USTR officials who are authorized to respond to requests and to process requests for amendment of records USTR maintains under the Privacy Act.

Record means any item, collection or grouping of information about an individual that USTR maintains within a system of records and contains the individual's name or the identifying number, symbol or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

System of records means a group of records USTR maintains or controls from which information is retrieved by the name of an individual or by some identifying number, symbol or other identifying particular assigned to the individual. USTR publishes notices in the **Federal Register** announcing the creation, deletion or amendment of its systems of records. You can find a description of our systems of records on the USTR Web site: *www.ustr.gov*.

§ 2004.21 Purpose and scope.

(a) This subpart implements the Privacy Act, 5 U.S.C. 552a, a Federal law that requires Federal agencies to protect private information about individuals that the agencies collect or maintain. It establishes USTR's rules for access to records in systems of records we maintain that are retrieved by an individual's name or another personal identifier. It describes the procedures by which individuals may request access to records, request amendment or correction of those records, and request an accounting of disclosures of those records by USTR. Whenever it is appropriate to do so, USTR automatically processes a Privacy Act request for access to records under both the Privacy Act and the FOIA, following the rules contained in this subpart and subpart B of part 2004. USTR processes a request under both the Privacy Act and the FOIA so you will receive the maximum amount of information available to you by law.

(b) This subpart does not entitle you to any service or to the disclosure of any record to which you are not entitled under the Privacy Act. It also does not, and may not be relied upon to create any substantive or procedural right or benefit enforceable against USTR.

§ 2004.22 How do I make a Privacy Act request?

(a) *In general.* You can make a Privacy Act request on your own behalf for records or information about you. You also can make a request on behalf of another individual as the parent or guardian of a minor, or as the guardian of someone determined by a court to be incompetent. You may request access to another individual's record or information if you have that individual's written consent, unless other conditions of disclosure apply.

(b) *How do I make a request?*—(1) *Where do I send my written request?* To make a request for access to a record, you should write directly to our Privacy Act Office. Heightened security delays mail delivery. To avoid mail delivery delays, we strongly suggest that you email your request to *PRIVACY@ustr.eop.gov*. Our mailing address is: Privacy Act Office, Office of the US Trade Representative, Anacostia Naval Annex, Building 410/Door 123, 250 Murray Lane SW., Washington, DC 20509. To make sure that the Privacy Act Office receives your request without delay, you should include the notation 'Privacy Act Request' in the subject line of your email or on the front of your envelope and also at the beginning of your request.

(2) *Security concerns.* To protect our computer systems, we will not open attachments to emailed requests—you must include your request within the body of the email. We will not process email attachments.

(c) *What should my request include?* You must describe the record that you seek in enough detail to enable the Privacy Act Office to locate the system of records containing the record with a reasonable amount of effort. Include specific information about each record sought, such as the time period in which you believe it was compiled, the name or identifying number of each system of records in which you believe it is kept, and the date, title or name, author, recipient, or subject matter of the record. As a general rule, the more specific you are about the record that you seek, the more likely we will be able to locate it in response to your request.

(d) *How do I request amendment or correction of a record?* If you are requesting an amendment or correction of a USTR record, you must identify each particular record in question and the system of records in which the record is located, describe the amendment or correction that you seek, and state why you believe that the record is not accurate, relevant, timely or complete. You may submit any documentation that you think would be helpful, including an annotated copy of the record.

(e) *How do I request an accounting of record disclosures?* If you are requesting an accounting of disclosures made by USTR to another person, organization or Federal agency, you must identify each particular record in question. An accounting generally includes the date, nature and purpose of each disclosure, as well as the name and address of the person, organization, or Federal agency to which the disclosure was made.

(f) *Verification of identity*. When making a Privacy Act request, you must verify your identity in accordance with these procedures to protect your privacy or the privacy of the individual on whose behalf you are acting. If you make a Privacy Act request and you do not follow these identity verification procedures, USTR cannot process your request.

(1) *How do I verify my own identity?* You must state your full name, current address, and date and place of birth. In order to help identify and locate the records, you also may, at your option, include your Social Security number. To verify your own identity, you must provide an unsworn declaration under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury. To fulfill this requirement, you must include the following statement just before the signature on your request:

I declare under penalty of perjury that the foregoing is true and correct. Executed on [date].

(2) *How do I verify parentage or guardianship?* If you make a request as the parent or guardian of a minor, or as the guardian of someone determined by a court to be incompetent, for access records or information about that individual, you must establish:

(i) The identity of the individual who is the subject of the record, by stating the individual's name, current address and date and place of birth, and, at your option, the Social Security number of the individual;

(ii) Your own identity, as required in paragraph (f)(1) of this section;

(iii) That you are the parent or guardian of the individual, which you may prove by providing a copy of the individual's birth certificate showing your parentage or a court order establishing your guardianship; and

(iv) That you are acting on behalf of the individual in making the request.

§ 2004.23 How will USTR respond to my Privacy Act request?

(a) *When will we respond to your request?* We will search to determine if the requested records exist in a system of records USTR owns or controls. The Privacy Act Office will respond to you in writing within twenty days after we receive your request, if it meets the requirements of this subpart. We may extend the response time in unusual circumstances, such as the need to consult with another agency about a record or to retrieve a record shipped offsite for storage.

(b) *What will our response include?* Our written response will include our determination whether to grant or deny your request in whole or in part, a brief explanation of the reasons for the determination, and the amount of the fee charged, if any, under § 2004.25. If you requested access to records, we will make the records, if any, available to you. If you requested amendment or correction of a record, the response will describe any amendments or corrections made and advise you of your right to obtain a copy of the amended or corrected record.

(c) *Adverse determinations*—(1) *What is an adverse determination?* An adverse determination is a response to a Privacy Act request that:

(i) Withholds any requested record in whole or in part;

(ii) Denies a request to amend or correct a record in whole or in part;

(iii) Declines to provide an accounting of disclosures;

(iv) Advises that a requested record does not exist or cannot be located;

(v) Finds that what you requested is not a record subject to the Privacy Act; or

(vi) Advises on any disputed fee matter.

(2) *Responses that include an adverse determination*. If the Privacy Act Office makes an adverse determination with respect to your request, our written response will identify the person responsible for the adverse determination, that the adverse determination is not a final agency action, and that you may appeal the adverse determination under § 2004.24.

§ 2004.24 What can I do if I am dissatisfied with USTR's response to my Privacy Act request?

(a) *What can I appeal?* You can appeal any adverse determination in writing to our Privacy Act Appeals Committee within thirty calendar days after the date of our response. We provide a list of adverse determinations in § 2004.23(c).

(b) *How do I make an appeal?*—(1) *What should I include?* You may appeal by submitting a written statement giving the reasons why you believe the Committee should overturn the adverse determination. Your written appeal may include as much or as little related information as you wish to provide, as long as it clearly identifies the determination (including the request number, if known) that you are appealing.

(2) *Where do I send my appeal?* You should mark both your letter and the envelope, or the subject of your email, ''Privacy Act Appeal''. To avoid mail delivery delays caused by heightened security, we strongly suggest that you email any appeal to *PRIVACY@ustr.eop.gov*. Our mailing address is: Privacy Office, Office of the US Trade Representative, Anacostia Naval Annex, Building 410/Door 123, 250 Murray Lane SW., Washington, DC 20509.

(c) *Who will decide your appeal?* (1) The Privacy Act Appeals Committee or designee will act on all appeals under this section.

(2) We ordinarily will not adjudicate an appeal if the request becomes a matter of litigation.

(3) On receipt of any appeal involving classified information, the Privacy Act Appeals Committee must take appropriate action to ensure compliance with applicable classification rules.

(d) *When will we respond to your appeal?* The Privacy Act Appeals Committee will notify you of its appeal decision in writing within thirty days from the date it receives an appeal that meets the requirements of paragraph (b) of this section. We may extend the response time in unusual circumstances, such as the need to consult with another agency about a record or to retrieve a record shipped offsite for storage.

(e) *What will our response include?* The written response will include the Committee's determination whether to grant or deny your appeal in whole or in part, a brief explanation of the reasons for the determination, and information about the Privacy Act provisions for court review of the determination.

(1) *Appeals concerning access to records*. If your appeal concerns a request for access to records and the appeal is granted in whole or in part, we will make the records, if any, available to you.

(2) *Appeals concerning amendments or corrections*. If your appeal concerns amendment or correction of a record, the response will describe any amendment or correction made and advise you of your right to obtain a copy of the amended or corrected record. We will notify all persons, organizations or Federal agencies to which we previously disclosed the record, if an accounting of that disclosure was made, that the record has been amended or corrected. Whenever the record is subsequently disclosed, the record will

be disclosed as amended or corrected. If our response denies your request for an amendment or correction to a record, we will advise you of your right to file a statement of disagreement under paragraph (f) of this section.

(f) *Statements of disagreement*—(1) *What is a statement of disagreement?* A statement of disagreement is a concise written statement in which you clearly identify each part of any record that you dispute and explain your reason(s) for disagreeing with our denial in whole or in part of your appeal requesting amendment or correction.

(2) *How do I file a statement of disagreement?* We must receive your statement of disagreement within thirty calendar days of our denial in whole or in part of your appeal concerning amendment or correction of a record.

(3) *What will we do with your statement of disagreement?* We will place your statement of disagreement in the system(s) of records in which the disputed record is maintained. We also may append a concise statement of our reason(s) for denying the request to amend or correct the record. Whenever the record is subsequently disclosed, the record will be disclosed along with your statement of disagreement and our explanation, if any.

(g) *When appeal is required.* Before seeking review by a court of an adverse determination or denial of a request, you generally first must submit a timely administrative appeal under this section.

§ 2004.25 What does it cost to get records under the Privacy Act?

(a) *Your request is an agreement to pay fees.* We consider your Privacy Act request as your agreement to pay all applicable fees unless you specify a limit on the amount of fees you agree to pay. We will not exceed the specified limit without your written agreement.

(b) *How do we calculate fees?* We will charge a fee for duplication of a record under the Privacy Act in the same way we charge for duplication of records under the FOIA in § 2004.9. There are no fees to search for or review records requested under the Privacy Act.

§ 2004.26 Are there any exemptions from the Privacy Act?

(a) *What is a Privacy Act exemption?* The Privacy Act authorizes USTR to exempt records or information in a system of records from some of the Privacy Act requirements, if we determine that the exemption is necessary. With the exception of certain law enforcement records, we will not provide you with an accounting of disclosures or make available to you records that are exempt.

(b) *How do I know if the records or information I want are exempt?* Each USTR system of records notice will advise you if we have determined that records or information in records are exempt from Privacy Act requirements. If we have claimed an exemption for a system of records, the system of records notice will identify the exemption and the provisions of the Privacy Act from which the system is exempt.

§ 2004.27 How are records secured?

(a) *Controls.* USTR must establish administrative and physical controls to prevent unauthorized access to its systems of records, unauthorized or inadvertent disclosure of records, and physical damage to or destruction of records. The stringency of these controls corresponds to the sensitivity of the records that the controls protect. At a minimum, the administrative and physical controls must ensure that:

(1) Records are protected from public view;

(2) The area in which records are kept is supervised during business hours to prevent unauthorized persons from having access to them;

(3) Records are inaccessible to unauthorized persons outside of business hours; and

(4) Records are not disclosed to unauthorized persons or under unauthorized circumstances in either oral or written form.

(b) *Limited access.* Access to records is restricted only to individuals who require access in order to perform their official duties.

§ 2004.28 Use and collection of Social Security numbers.

We will collect Social Security numbers only when it is necessary and we are authorized to do so. At least annually, the Privacy Act Office will inform employees who are authorized to collect information that:

(a) Individuals may not be denied any right, benefit or privilege as a result of refusing to provide their Social Security numbers, unless the collection is authorized either by a statute or by a regulation issued prior to 1975; and

(b) They must inform individuals who are asked to provide their Social Security numbers:

(1) If providing a Social Security number is mandatory or voluntary;

(2) If any statutory or regulatory authority authorizes collection of a Social Security number; and

(3) The uses that will be made of the Social Security number.

§ 2004.29 Employee responsibilities under the Privacy Act.

At least annually, the Privacy Act Office will inform employees about the provisions of the Privacy Act, including the Act's civil liability and criminal penalty provisions. Unless otherwise permitted by law, a USTR employee must:

(a) Collect from individuals only information that is relevant and necessary to discharge USTR's responsibilities.

(b) Collect information about an individual directly from that individual whenever practicable.

(c) Inform each individual from whom information is collected of:

(1) The legal authority to collect the information and whether providing it is mandatory or voluntary;

(2) The principal purpose for which USTR intends to use the information;

(3) The routine uses, *i.e.,* disclosures of records and information contained in a system of records without the consent of the subject of the record, USTR may make; and

(4) The effects on the individual, if any, of not providing the information.

(d) Ensure that the employee's office does not maintain a system of records without public notice and notify appropriate officials of the existence or development of any system of records that is not the subject of a current or planned public notice.

(e) Maintain all records that are used in making any determination about an individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to ensure fairness to the individual in the determination.

(f) Except for disclosures made to an agency or under the FOIA, make reasonable efforts, prior to disseminating any record about an individual, to ensure that the record is accurate, relevant, timely and complete.

(g) When required by the Privacy Act, maintain an accounting in the specified form of all disclosures of records by USTR to persons, organizations or agencies.

(h) Maintain and use records with care to prevent the unauthorized or inadvertent disclosure of a record to anyone.

(i) Notify the appropriate official of any record that contains information that the Privacy Act does not permit USTR to maintain.

PART 2005—[REMOVED]

■ 8. Under the authority of 19 U.S.C. 2171(e)(3), remove part 2005.

Janice Kaye,

Chief Counsel for Administrative Law, Office of the U.S. Trade Representative.

[FR Doc. 2017–08364 Filed 4–24–17; 8:45 am]

BILLING CODE 3290–F7–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0292]

Drawbridge Operation Regulation; Arthur Kill, Staten Island, NY & Elizabeth, NJ

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 Arthur Kill (AK) Railroad Bridge across the Arthur Kill, mile 11.6, at Staten Island, New York and Elizabeth, New Jersey. This temporary deviation is necessary to allow the bridge to remain in the closed-to-navigation position to facilitate structural inspections.

DATES: This deviation is effective from 9:45 a.m. on July 8, 2017 to 8:07 p.m. on July 16, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0292] 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 Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514–4330, email *judy.k.leung-yee@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Consolidated Rail Corporation (Conrail), the owner of the bridge, requested a temporary deviation from the normal operating schedule to facilitate structural inspections. The Arthur Kill Railroad Bridge across the Arthur Kill, mile 11.6, has a vertical clearance in the closed position of 31 feet at mean high water and 35 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.702.

Under this temporary deviation, the Arthur Kill Railroad Bridge shall remain in the closed position as follows:

July 8, 2017:
9:45 a.m. to 1:46 p.m.
3:46 p.m. to 7:53 p.m.
July 9, 2017:
10:24 a.m. to 2:27 p.m.
4:27 p.m. to 8:27 p.m.
July 15, 2017:
8:17 a.m. to 12:26 p.m.
2:26 p.m. to 6:52 p.m.
July 16, 2017:
9:13 a.m. to 1:15 p.m.
3:15 p.m. to 8:07 p.m.

The waterway is transited by commercial traffic. The Coast Guard notified various companies of the commercial oil and barge vessels and they have no objections to the temporary deviation. Vessels able to pass under the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

The Coast Guard will inform the users of the waterways through our Local Notice and Broadcast to Mariners of the change in operating schedule for the bridge so that vessel operations 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 20, 2017.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2017–08316 Filed 4–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0161]

Drawbridge Operation Regulation; Canaveral Barge Canal, Canaveral, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation with request for comments.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the SR 401 Drawbridge, mile 5.5 at Port Canaveral, Florida. This deviation is necessary to reduce vehicular traffic congestion and to ensure the safety of the roadways while passengers are transiting to and from Cruise Terminal 10, which is used by Norwegian Cruise Line at Port Canaveral. Since the arrival of the cruise ship Norwegian Epic to the Port of Canaveral, massive traffic back-ups have been caused by the drawbridge openings. This deviation allows the bridge to not open to navigation during prime cruise ship passenger loading and unloading times on Saturdays.

DATES: This deviation is effective from April 25, 2017 until October 23, 2017. Submit comments by June 26, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0161] 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. 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 Mr. Michael Lieberum with the Seventh Coast Guard District Bridge Office; telephone 305–415–6744, email *Michael.B.Lieberum@uscg.mil,* for alternate instructions.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Michael Lieberum with the Seventh Coast Guard District Bridge Office; telephone 305–415–6744, email *Michael.B.Lieberum@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Canaveral Port Authority, with concurrence from the bridge owner, Florida Department of Transportation have requested the Coast Guard consider changing the regulation of the SR401 Bridge across the Canaveral Barge Canal, Port Canaveral, FL to allow the bridge to not open to navigation from 11 a.m. to 2 p.m. on Saturdays. The current operating regulation is under 33 CFR 117.273. The bridge logs (insert the time period of the reviewed bridge logs) indicate that, at most, approximately nine vessels may be affected by establishing this three hour bridge closure on Saturdays. The majority of the opening requests were either at the beginning or end of this closure period; therefore, by adjusting their transits slightly there should be a negligible overall effect. This deviation is effective from April 25, 2017 until October 23, 2017. The Coast Guard will continue to evaluate the impact to mariners navigating this area during the closure periods and has requested comments be submitted during the first 60 days of this deviation.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass through the bridge in closed positions. The Coast Guard will also inform the users of the waterways through Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this notice of deviation, and all public comments, are 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.

Dated: April 19, 2017.

Barry Dragon,

Director, Bridge Branch, Seventh Coast Guard District.

[FR Doc. 2017–08260 Filed 4–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0768]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway and Indian Creek, Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the West 79th Street Bridge across the Atlantic Intracoastal Waterway mile 1084.6, Miami, FL and the operating schedule that governs the East 79th Street Bridge across Miami Beach Channel, Miami, FL. This action will place the East and West 79th Street Bridges across Miami Beach Channel and Atlantic Intracoastal Waterway, Miami, FL on a twice an hour opening schedule between 7 a.m. and 7 p.m., Monday through Friday, except Federal holidays. This action is intended to reduce vehicular traffic caused by these bridges opening on demand.

DATES: This rule is effective May 25, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2015–0768. In the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e- Mr. Michael Lieberum of the Coast Guard; telephone 305–415–6744, email *Michael.b.lieberum@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
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On May 10, 2016, we published a notice of proposed rulemaking (NPRM) titled Drawbridge Operation Regulation; Atlantic Intracoastal Waterway and Indian Creek, Miami, FL in the **Federal Register** (81 FR 28795). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to the East and West 79th Street Bridges. During the comment period that ended on June 11, 2016, we received 12 comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 499. The East and West 79th Street Bridges currently open upon request or signal, pursuant to 33 CFR 117.5, which results in frequent openings that restrict vehicle traffic during the day, especially during morning and afternoon rush hour traffic.

The Florida Department of Transportation (FDOT), the bridge owner, and the City of North Bay Village requested a change to the current operating schedule for both bridges to allow for scheduled openings twice an hour during peak traffic times. Bridge logs indicate these bridges open up to four times an hour or more during peak travel times, which results in frequent vehicular traffic disruptions. This regulation would reduce vehicle traffic backups without unreasonably restricting vessel traffic by scheduling two openings per hour during peak traffic times, thereby balancing the needs of both modes of transportation.

Additionally, other bridges on this section of the Intracoastal Waterway and Miami Channel open two times per hour. The scheduled openings will align the 79th Street bridge openings with other bridges on the Intracoastal, namely, the Broad Causeway Bridge to the North (33 CFR 117.261(mm) and The Venetian Causeway Bridge to the South (33 CFR 117.261(nn), thereby allowing vessels to plan voyages during opening times and vehicles to schedule commutes around these openings.

The East 79th Street Bridge across Miami Beach Channel, Miami, FL has a vertical clearance of 25 feet at mean high water (MHW) in the closed to navigation position and a horizontal clearance of 60 feet between fenders.

The West 79th Street Bridge across the Atlantic Intracoastal Waterway mile 1084.6, Miami, FL has a vertical clearance of 25 feet at MHW in the closed to navigation position and a horizontal clearance of 90 feet between fenders.

IV. Discussion of Comments, Changes and the Final Rule

As noted above, the Coast Guard received 12 comments to the NPRM published on May 10, 2016. All 12 of the comments were in favor of changing the existing on-demand schedule to a twice an hour opening schedule from 7 a.m. to 7 p.m. One comment requested that this bridge only open when vessels are waiting or when there is a request to open. This stipulation is covered by other regulations in 33 CFR part 117 and will only open at the designated times if requested by vessel operators.

This rule will allow the draw of the West 79th Street Bridges, across the AICW and Indian Creek at Miami, Florida to open twice an hour, once on the hour and once on the half-hour, Monday through Friday between the hours of 7 a.m. and 7 p.m. During nights and weekends and on Federal holidays, the Bridge would open on signal. This is a significant change from the on-demand schedule both bridges were previously operating on.

V. Regulatory Analyses

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

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 rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the ability that vessels can still transit the bridge during the scheduled opening times.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above, this rule would not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.261, add paragraph (mm-1) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(mm-1) West 79th Street Bridge. The draw of the West 79th Street Bridge, at Miami, Florida will open on signal, except that from 7 a.m. to 7 p.m. Monday through Friday, except Federal holidays, the draw need only open on the hour and half hour.

* * * * *

■ 3. Add § 117.304 to read as follows:

§ 117.304 Miami Beach Channel.

The draw of the East 79th Street Bridge, at Miami, Florida will open on signal, except that from 7 a.m. to 7 p.m. Monday through Friday, except Federal holidays, the draw need only open on the hour and half hour.

Dated: April 19, 2017.

S.A. Buschman,

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

[FR Doc. 2017–08257 Filed 4–24–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2012–0933; FRL–9958–35–Region 8]

Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ National Ambient Air Quality Standards; Wyoming

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of State Implementation Plan (SIP) revisions from the State of Wyoming to demonstrate the State meets infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for ozone on March 12, 2008, lead (Pb) on October 15, 2008, nitrogen dioxide (NO_2) on January 22, 2010, sulfur dioxide (SO_2) on June 2, 2010, and fine particulate matter ($PM_{2.5}$) on December 14, 2012. The EPA is also approving SIP revisions the State submitted regarding state boards.

DATES: This rule is effective on May 25, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2012–0933. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Abby Fulton, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6563, *fulton.abby@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Infrastructure requirements for SIPs are set forth in section 110(a)(1) and (2) of the CAA. Section 110(a)(2) lists the specific infrastructure elements that a SIP must contain or satisfy.

In our proposed rule (PR), the EPA proposed to approve and take no action on some infrastructure elements for the 2008 Pb, 2008 ozone, 2010 NO_2, 2010 SO_2 and 2012 $PM_{2.5}$ NAAQS from the State's certifications.[1] In this rulemaking, we are taking final action to approve infrastructure elements from the State's certifications. We are also taking final action to approve new rules to Wyoming Department of Environmental Quality General Rules of Practice and Procedure submitted on May 31, 2016, to satisfy requirements of section 110(a)(2)(E)(ii), state boards.

II. Response to Comments

We received one comment letter from the Wyoming Department of Environmental Quality (Wyoming DEQ) in support of the EPA's proposed approval of infrastructure requirements of the CAA and the state boards requirement under CAA section 128.

III. Final Action

For reasons expressed in the proposed rule, the EPA is taking final action to approve infrastructure elements from the State's certifications as shown in Table 1. Elements we are taking no action on are reflected in Table 2. We are also approving new rules to Wyoming Department of Environmental Quality General Rules of Practice and Procedure, Chapter 1, General Provisions, section 16 submitted on May 31, 2016, to satisfy requirements of section 110(a)(2)(E)(ii), which pertains to the state boards requirement under section 128 (Table 1).

A comprehensive summary of infrastructure elements and new rules being approved into the Wyoming SIP through this final rule action are provided in Table 1 and Table 2.

[1] ''Where an air agency determines that the provisions in or referred to by its existing EPA approved SIP are adequate with respect to a given infrastructure SIP element (or subelement) even in light of the promulgation of a new or revised NAAQS, the air agency may make a SIP submission in the form of a certification.'' EPA's ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and (2),'' September 13, 2013, at 7.

TABLE 1—LIST OF WYOMING INFRASTRUCTURE ELEMENTS AND REVISIONS THAT THE EPA IS APPROVING

Approving approval
October 12, 2011 submittal—2008 Pb NAAQS:
(A), (B), (C), (D)(i)(II) prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).
March 6, 2015 submittal—2010 SO_2 NAAQS:
(A), (B), (C), (D)(i)(II) prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).
February 6, 2014 submittal—2008 Ozone NAAQS:
(A), (B), (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).
January 24, 2014 submittal—2010 NO_2 NAAQS:
(A), (B), (C), (D)(i)(II) prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).
June 24, 2016 submittal— 2012 $PM_{2.5}$ NAAQS:
(A), (B), (C), (D)(i)(II) prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).
May 31, 2016 submittal—New Rules to Wyoming DEQ General Rules of Practice and Procedure, CAA Section 128
Chapter 1, General Provisions, Section 16, Air Program State Implementation Plan.

TABLE 2—LIST OF WYOMING INFRASTRUCTURE ELEMENTS AND REVISIONS THAT THE EPA IS TAKING NO ACTION ON

No action (Revision to be made in separate rulemaking action.)
October 12, 2011 submittal—2008 Pb NAAQS:
(D)(i)(I) prongs 1 and 2, (D)(i)(II) prong 4.
February 06, 2014 submittal—2008 Ozone NAAQS:
(D)(i)(I) prongs 1 and 2, D(i)(II) prongs 3 and 4 and (C) (final action on (D)(i)(II) prong 3 and (C) at 81 FR 70362, Oct. 12, 2016).
January 24, 2014 submittal—2010 NO_2 NAAQS:
(D)(i)(I) prongs 1 and 2, (D)(i)(II) prong 4.
March 06, 2015 submittal—2010 SO_2 NAAQS:
(D)(i)(I) prongs 1 and 2, (D)(i)(II) prong 4.
June 24, 2016 submittal—2012 $PM_{2.5}$ NAAQS:
(D)(i)(I) prongs 1 and 2, (D)(i)(II) prong 4.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Wyoming DEQ General Rules of Practice and Procedure discussed in section III, *Final Action* of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Orders Review

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

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

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

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

Register. A major rule cannot take effect until 60 days after it is published in the **Federal Register.** This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 26, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: April 11, 2017.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart ZZ—Wyoming

■ 2. In § 52.2620:

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

■ i. Adding a centered heading for ''Chapter I. General Rules of Practice and Procedure.'' at the end of the table; and

■ ii. Adding, under the centered heading ''Chapter I. General Rules of Practice and Procedure.,'' a table entry for ''Section 16.''

■ b. The table in paragraph (e) is amended by adding an entry for ''(28) XXVIII'' at the end of the table.

The additions read as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) * * *

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
*	*	*	*	*	*
Chapter I. General Rules of Practice and Procedure.					
Section 16	Air Quality Division, State Implementation Plan.	4/21/2016	5/25/2017	[insert **Federal Register** citation], 4/25/2017.	CAA section 128 Requirements.

* * * * *

(e) * * *

Rule No.	Rule title	State effective date	EPA Effective date	Final rule citation/date	Comments
*	*	*	*	*	*
(28) XXVIII	Infrastructure SIP for Section 110(a)(2)— 2008 Lead, 2008 Ozone, 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.	10/12/2011, 2/6/2014, 1/24/2014, 3/6/2015, and 6/24/2016.	5/25/2017	[insert **Federal Register** citation], 4/25/2017.	

[FR Doc. 2017–08252 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0189; FRL–9961–81–Region 6]

Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan; Partial Stay

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial stay of effectiveness of final rule.

SUMMARY: By a letter dated April 14, 2017, EPA announced the convening of a proceeding for reconsideration of certain requirements in the final rule promulgating a Federal Implementation Plan (FIP) for the State of Arkansas addressing regional haze and interstate visibility transport under the Federal Clean Air Act (the Act, or CAA). The rule was published in the **Federal Register** on September 27, 2016. The EPA is administratively staying for 90 days the effectiveness of the rule requirements that are under reconsideration. The EPA is adding language to the Code of Federal Regulations (CFR) to reflect this stay.

DATES: Certain portions of 40 CFR 52.173(c)(7) and (25), as specified in this document, are administratively stayed from April 25, 2017 until July 24, 2017. The addition of 40 CFR 52.173(e) in this rule is effective from April 25, 2017, until July 24, 2017.

ADDRESSES: The EPA has established a docket for this reconsideration proceeding under Docket ID No. EPA–R06–OAR–2015–0189. All documents in the docket are available electronically at *http://www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, TX 75202–2733. To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

A reasonable fee may be charged for copies.

FOR FURTHER INFORMATION CONTACT: Barbara Nann, (214) 665–2157; *nann.barbara@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On September 27, 2016 (81 FR 66332), EPA (''we'') published a rule titled ''Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan'' (Arkansas Regional Haze FIP or FIP) addressing certain requirements of the Regional Haze Rule at 40 CFR 51.308 and the CAA regarding interference with other states' programs for visibility protection (interstate visibility transport) triggered by the issuance of the 1997 ozone National Ambient Air Quality Standards (NAAQS) and the 1997 fine particulate matter ($PM_{2.5}$) NAAQS.[1]

The Arkansas Department of Environmental Quality (ADEQ) submitted a petition to the EPA dated November 22, 2016, seeking reconsideration and an administrative stay of specific portions of the final Arkansas Regional Haze FIP pursuant to section 307(d)(7)(B) of the CAA and section 705 of the Administrative Procedure Act (APA). Similar petitions were submitted by Entergy Arkansas Inc., Entergy Mississippi Inc., and Entergy Power LLC (collectively Entergy) and the Arkansas Electric Cooperative Corporation (AECC), owners of Flint Creek, White Bluff, and Independence facilities and the Energy Environmental Alliance of Arkansas (EEAA). Under section 307(d)(7)(B) of the CAA, the Administrator shall commence a reconsideration proceeding if, in the Administrator's judgment, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period but within the period for judicial review. In either case, the Administrator must also conclude that the objection is of central relevance to the outcome of the rule. The Administrator may stay the effectiveness of the rule for up to 90 days during such reconsideration.

In a letter dated April 14, 2017, EPA announced the convening of a proceeding for reconsideration under section 307(d)(7)(B) of the compliance dates for the NO_X emission limits for Flint Creek Unit 1, White Bluff Units 1 and 2, and Independence Units 1 and 2. Further, based on statements by Entergy regarding the limited future operations of White Bluff, the EPA also determined to grant reconsideration of the SO_2 emission limits for Units 1 and 2 at the facility. We granted reconsideration of these provisions of the FIP because the grounds for Petitioners' objections arose after the close of the comment period and are of central relevance to the outcome of the final rule pursuant to Clean Air Act section 307(d)(7)(B). The EPA did not specifically request comment on the 18-month compliance dates for NO_X controls in the FIP, and reconsideration will allow for additional public comment on these issues. In addition, new information clarified the intent of Entergy's comments regarding future operations at White Bluff and indicated that reconsideration of the SO_2 best available retrofit technology (BART) emission limits based on a shorter remaining useful life is warranted. Finally, as we are reconsidering the compliance dates for the NO_X emission limits at Independence, we are also reconsidering the compliance dates for the SO_2 emission limits for Independence Units 1 and 2 to ensure that the schedule for compliance for these emission limits is coordinated. The EPA did not take action on the remaining issues in the petitions for reconsideration of the Arkansas FIP. A copy of this letter is included in the docket, Docket ID No. EPA–R06–OAR–2015–0189.

We will prepare a notice of proposed rulemaking that will provide ADEQ, Entergy, AECC, EEAA and the public an opportunity to comment on the issues identified above as well as any other matter we believe will benefit from additional comment.

II. Partial Stay of Certain Provisions of the FIP

The EPA hereby issues a 90 day stay from April 25, 2017 of the effectiveness of 40 CFR 52.173(c)(7) and (25) with regards to the compliance dates for the NO_X emission limits for Flint Creek Unit 1, White Bluff Units 1 and 2, and Independence Units 1 and 2, and the compliance dates for the SO_2 emission limits for White Bluff Units 1 and 2 and Independence Units 1 and 2. We are amending the Code of Federal Regulations to reflect this stay. This stay does not apply to any other provisions of the rule. If the EPA is unable to complete final action on reconsideration prior to the conclusion of this stay, we will consider granting a further stay of the rule. This stay, however, does not alter or extend the ultimate compliance timeframes set out in the final FIP. The EPA intends to propose a future rulemaking to extend the deadlines to account for the period of the stay or to account for another alternative proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Best available retrofit technology, Incorporation by reference, Intergovernmental relations, Interstate transport of pollution, Nitrogen dioxide, Ozone, Particulate matter, Regional haze, Reporting and recordkeeping requirements, Sulfur dioxides, Visibility.

Dated: April 17, 2017.

E. Scott Pruitt,

Administrator.

Title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart E—Arkansas

■ 2. Amend § 52.173 by adding paragraph (e) to read as follows:

§ 52.173 Visibility protection.

* * * * *

(e) Paragraphs (c)(7) and (25) of this section relating to the compliance dates for the NO_X emission limits for Flint Creek Unit 1, White Bluff Units 1 and 2, and Independence Units 1 and 2, as well as the compliance dates for the SO_2 emission limits for White Bluff Units 1 and 2 and Independence Units 1 and 2, are stayed from April 25, 2017 until July 24, 2017, when the stay will automatically terminate.

[FR Doc. 2017–08253 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0226; FRL–9961–02]

Benzobicyclon; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of benzobicyclon in or on rice, grain. Gowan Company,

[1] 81 FR 66332; *see also* 81 FR 68319 (October 4, 2016) (correction).

LLC requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 25, 2017. Objections and requests for hearings must be received on or before June 26, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0226, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2015–0226 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 26, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2015–0226, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 26, 2015 (80 FR 51759) (FRL–9931–74), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5F8343) by Gowan Company, LLC, P.O. Box 5569, Yuma, AZ 85366. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide benzobicyclon (3-[2-chloro-4-(methylsulfonyl)benzoyl]-4-(phenylthio)bicyclo[3.2.1]oct-3-en-2-one), in or on rice, grain and rice, straw at 0.1 parts per million (ppm). That document referenced a summary of the petition prepared by Gowan Company, LLC, the registrant, which is available in the docket (EPA–HQ–OPP–2015–0226), *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA is not establishing a tolerance for rice, straw as requested. The reason for this change is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for benzobicyclon including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with benzobicyclon follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the

studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Benzobicyclon has low mammalian toxicity with no effects seen in mice, dogs, and female rats following oral exposure or in rabbits following dermal exposure. There is no evidence of neurotoxicity or immunotoxicity. Parental effects in the reproduction toxicity study were only observed at the highest dose tested and consisted of increased incidence of hydropic degeneration (basophilic cells) in the pituitaries of male rats only, and was observed at an increased incidence for the F_1 as compared to F_0 generation. There was no evidence of increased quantitative or qualitative fetal or offspring susceptibility in the developmental toxicity and two-generation reproduction toxicity studies in rats with no developmental, reproductive, or offspring effects observed. Benzobicyclon was categorized as having low acute toxicity via the oral, dermal, and inhalation routes of exposure. It produces minimal but reversible eye irritation, but is not a dermal irritant or dermal sensitizer. Benzobicyclon is classified as ''Not likely to be Carcinogenic to Humans'' based on the absence of treatment-related tumors in two adequate rodent carcinogenicity studies. There was no concern for mutagenicity.

Benzobicyclon rapidly hydrolyzes to generate the anticipated pesticidal active degradate, the triketone metabolite B (also referred to as 1315P–070). For metabolite B, a limited amount of toxicological data is available. An in vitro enzyme activity assay that was submitted indicates that metabolite B is an inhibitor of 4-hydroxyphenylpyruvate dioxygenase (HPPD). In mammals, HPPD is a key enzyme in the catabolism of the amino acid tyrosine and inhibition of HPPD results in an increase of blood tyrosine concentrations (tyrosinemia). In laboratory animals, as a class, HPPD inhibitors produce ocular (opacities and keratitis), liver, kidney, and developmental (skeletal abnormalities) effects in rats. In a 90-day toxicity study in rats with metabolite B, ocular effects (neovascularization and opacity of the cornea) consistent with tyrosinemia were at a similar dose that elicited ocular effects for tembotrione, the most potent HPPD inhibitor currently registered. The study also demonstrated that metabolite B induces treatment-related effects at lower doses than those required to elicit effects for the parent, benzobicyclon. For metabolite B, the toxicological database does not contain any carcinogenicity studies. Some of the currently registered HPPD inhibitors have been shown to cause tumors; however, cancer risk estimates tend to be low for this class and the chronic risk assessment generally addresses this risk. A bacterial reverse-mutation assay with metabolite B to evaluate genotoxicity was found to be negative. Due to the incomplete database for metabolite B, studies from the tembotrione database were used for preliminary evaluation of risks from exposure to metabolite B, along with the appropriate database uncertainty factors to ensure the tembotrione database is protective for the proposed use pattern. Any expansion in the use of benzobicyclon would require additional data to further characterize the toxicological effects of metabolite B.

Specific information on the studies received and the nature of the adverse effects caused by benzobicyclon and metabolite B as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document *Benzobicyclon Human Health Risk Assessment for the Section 3 Registration Action on Rice and the Establishment of Permanent Tolerances for Residues in/on Rice* at page 36 in docket ID number EPA–HQ–OPP–2015–0226.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for benzobicyclon and metabolite B used for human risk assessment is shown in Table 1 and Table 2 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR BENZOBICYCLON FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations).	No appropriate toxicological effect attributable to a single dose was observed. Therefore, a dose and endpoint were not identified for this risk assessment.		
Chronic dietary (All populations).	NOAEL = 63.6 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.636 mg/kg/day. cPAD = 0.636 mg/kg/day.	*Two-Generation Reproduction Toxicity Study (rat).* LOAEL = 1,320 mg/kg/day based on increased incidence of hydropic degeneration (basophilic cells) in the pituitary.
Incidental oral Short-term (1 to 30 days) and Intermediate-Term (1–6 months).	NOAEL = 63.6 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	Residential LOC for MOE <100.	*Two-Generation Reproduction Toxicity Study (rat).* LOAEL = 1,320 mg/kg/day based on increased incidence of hydropic degeneration (basophilic cells) in the pituitary.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR BENZOBICYCLON FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Dermal Short-term (1 to 30 days) and Intermediate-Term (1–6 months).	No hazard was identified for dermal exposure based on a dermal toxicity study and there was no evidence of increased quantitative susceptibility; therefore, a quantitative dermal assessment is not needed.		
Inhalation Short-term (1 to 30 days) and Intermediate Term (1–6 months).	Oral NOAEL = 63.6 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Residential LOC for MOE = <100.	*Two-Generation Reproduction Toxicity Study (rat).* LOAEL = 1,320 mg/kg/day based on increased incidence of hydropic degeneration (basophilic cells) in the pituitary.
Cancer (Oral, dermal, inhalation).	Classification: "Not likely to be Carcinogenic to Humans: based on the absence of treatment-related tumors in two adequate rodent carcinogenicity studies.		

LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = Food Quality Protection Act Safety Factor. PAD = population adjusted dose (c = chronic). RfD = reference dose.

TABLE 2—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR METABOLITE B FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute Dietary (All Populations).	LOAEL = 0.8 mg/kg/day .... UF_A = 10x UF_H = 10x FQPA SF = 30x [1]	Acute RfD = 0.00027 mg/kg/day. aPAD = 0.00027 mg/kg/day.	*Developmental Neurotoxicity Study for Tembotrione.* Offspring NOAEL was not established. Offspring LOAEL = 0.8 mg/kg/day based on decreased acoustic startle response on PND 60 (males), and brain morphometric changes on PND 75 (males and females).
Chronic dietary (All populations).	NOAEL = 0.04 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 10x [2]	Chronic RfD = 0.00004 mg/kg/day. cPAD = 0.00004 mg/kg/day.	*Chronic/Carcinogenicity Study (rat) for Tembotrione.* LOAEL = 0.79 mg/kg/day based on neovascularization and edema of the cornea and snow flake-like corneal opacity, unilateral or bilateral keratitis of the eye, decreased mean body weight and mean body-weight gain, increased total cholesterol, higher ketone levels and lower pH values, higher protein levels, increased kidney weight, kidney to body weight and kidney to brain weight ratios, chronic nephropathy and atrophy of the sciatic nerve.

NOAEL = no-observed adverse-effect level. LOAEL = lowest-observed adverse-effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = FQPA Safety Factor. PAD = population-adjusted dose (a = acute, c = chronic). RfD = reference dose. PND = Postnatal Day

[1] The FQPA SF accounts for the database uncertainty factor and the extrapolation of a LOAEL to NOAEL.

[2] The FQPA SF accounts for the database uncertainty factor.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to benzobicyclon (parent), EPA considered exposure under the petitioned-for tolerances. For metabolite B, there is no anticipated exposure in food; metabolite B is only a residue of concern in drinking water. EPA assessed dietary exposures from benzobicyclon in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for benzobicyclon; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA's 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As for residue levels of parent benzobicyclon in food, EPA incorporated tolerance-level residues and 100 percent crop treated (PCT) for rice. For metabolite B, there is no anticipated exposure in food; metabolite B is only a residue of concern in drinking water therefore chronic dietary exposure was considered for metabolite B separately.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that benzobicyclon does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for parent benzobicyclon so tolerance level residues and 100% CT were assumed resulting in risk estimates that were less than the LOC to EPA. For metabolite B, there is no anticipated exposure in food; metabolite B is only a residue of concern in drinking water. Because risk estimates for metabolite B in drinking water exceeded the EPA's

LOC, a refined water exposure assessment was conducted which included a 10% CT assumption, which is described in detail in the following section.

2. *Dietary exposure from drinking water.* The Agency used refined water exposure models in the dietary exposure analysis and risk assessment for benzobicyclon and metabolite B in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of benzobicyclon and metabolite B. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Modeled estimates of drinking water concentrations based on the Pesticide in Flooded Applications Model (PFAM; v2.0) were directly entered into the dietary exposure model. Because no toxicological effect attributable to a single dose was observed for benzobicyclon, an acute exposure assessment was not done. Therefore, the acute dietary risk assessment was conducted for metabolite B only (the parent benzobicylon rapidly hydrolyzes to metabolite B) using the water concentration value of 24.8 ppb to assess the metabolite B contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 0.0031 ppb was used to assess the contribution to drinking water for benzobicyclon and 3.0 ppb for metabolite B. Based on the data summarized in Unit III.A., EPA has concluded dietary cancer risk concerns due to long-term consumption of metabolite B residues are adequately addressed by the chronic exposure analysis using the cPAD. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Benzobicyclon is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found benzobicyclon to share a common mechanism of toxicity with any other substances, and benzobicyclon does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that benzobicyclon does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* For benzobicyclon, there was no evidence of increased quantitative or qualitative fetal or offspring susceptibility in the developmental toxicity and two-generation reproduction toxicity studies in rats with no developmental, reproductive, or offspring effects observed. For metabolite B, there are no available toxicity data to evaluate offspring sensitivity; however, toxicological data are available from other HPPD inhibitors, including developmental toxicity studies in rats and rabbits, two-generation reproduction studies in rats, and developmental neurotoxicity studies in rats. All of the selected endpoints for risk assessment were protective of developmental and offspring effects and tembotrione provided the most sensitive endpoint.

3. *Conclusion.* For metabolite B, the database in incomplete. Nevertheless, sufficient data are available to confirm that metabolite B is an HPPD inhibitor, which supports utilization of data from tembotrione, the most potent HPPD inhibitor. To account for the lack of data, the acute dietary assessment applies a 30X FQPA SF to account for extrapolation of a LOAEL to NOAEL and the database uncertainty factor for lack of studies. This safety factor is considered sufficient given the LOAEL in the developmental neurotoxicity study for tembotrione is considered conservative given the minimal changes seen at that dose. The chronic dietary assessment applies a 10X FQPA SF to account for the database uncertainty factor for lack of studies. These safety factors will adequately account for any potential prenatal and postnatal toxicity and address any residual uncertainty concerning the toxicity database. The Agency's assessment of exposure to metabolite B was conducted for drinking water only, as there is no anticipated exposure in food. The modeled drinking water concentrations for metabolite B are based on conservative modeled estimates.

For benzobicyclon, EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x SF. That decision is based on the following findings:

i. The toxicity database for benzobicyclon is complete.

ii. There is no indication that benzobicyclon is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that benzobicyclon results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments for parent benzobicyclon were performed based on 100% CT and tolerance-level residues. For metabolite B, there is no anticipated exposure in food; metabolite B is only a residue of concern in drinking water. Because risk estimates for metabolite B in drinking water exceeded the EPA's LOC, a refined water exposure assessment was conducted which includes a 10% CT assumption. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to benzobicyclon and metabolite B in drinking water. These assessments will not underestimate the exposure and risks posed by benzobicyclon or metabolite B.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists. For metabolite B, the dietary exposure analyses included drinking water only and there are no uses that would result in residential exposure; therefore, an aggregate assessment was only necessary for the parent, benzobicyclon.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, benzobicyclon is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to benzobicyclon from food and water will result in risks of <1% of the cPAD for all populations. There are no residential uses for benzobicyclon.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). A short-term adverse effect was identified; however, benzobicyclon is not registered for any use patterns that would result in short-term residential exposure. Short-term risk is assessed based on short-term residential exposure plus chronic dietary exposure. Because there is no short-term residential exposure and chronic dietary exposure has already been assessed and is appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk); no further assessment of short-term risk is necessary.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified; however, benzobicyclon is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for benzobicyclon.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity, benzobicyclon is not expected to pose a cancer risk to humans. Dietary cancer risk concerns due to long-term consumption of metabolite B residues are adequately addressed by the chronic exposure analysis using the cPAD.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to benzobicyclon residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (a liquid chromatography-tandem mass spectrometry (LC–MS/MS) method is available to enforce the tolerance expression.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for benzobicyclon in or on the commodities associated with this rule.

C. Revisions to Petitioned-For Tolerances

The petitioner requested a tolerance of 0.01 ppm for rice, straw and rice, grain. However, based on OCSPP 860 Guidelines, Table 1 Feedstuffs, rice straw is not a regulated food commodity. Therefore, a tolerance for rice, straw is not needed.

The registrant has proposed use only in California, and has provided residue data for only California. The available residue data for the establishment of a tolerance level for residues of benzobicyclon support a value of 0.01 ppm in rice, grain.

V. Conclusion

Therefore, a tolerance associated with a regional registration in California is established for residues of benzobicyclon, in or on rice, grain at 0.01 ppm.

VI. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does

this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 5, 2017,

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.693 to subpart C to read as follows:

§ 180.693 Benzobicyclon; tolerances for residues.

(a) *General.* [Reserved]

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* Tolerances with regional registration, as defined in § 180.1(l), are established for residues of the herbicide benzobicyclon, including its metabolites and degradates, in or on the commodity in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only benzobicyclon, 3-[2-chloro-4-(methylsulfonyl)benzoyl]-4-(phenylthio)bicyclo-[3.2.1]oct-3-en-2-one), in or on the following raw agricultural commodities:

Commodity	Parts per million
Rice, grain	0.01

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 2017–08357 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0123; FRL–9960–61]

Bacillus simplex strain BU288; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of *Bacillus simplex* strain BU288 when used as an inert ingredient (emulsifier) in pesticide formulations applied to growing crops and raw agricultural commodities. BASF Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus simplex* strain BU288 when used in accordance with approved conditions.

DATES: This regulation is effective April 25, 2017. Objections and requests for hearings must be received on or before June 26, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0123, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection

or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0123 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 26, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0123, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of May 19, 2016 (81 FR 31581) (FRL–9946–02), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10891) by BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.910 be amended by establishing an exemption from the requirement of a tolerance for residues of *Bacillus simplex* strain BU288 when used as an inert ingredient (emulsifier) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest. That document referenced a summary of the petition prepared by BASF Corporation, the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(c)(2)(B) of the FFDCA requires EPA to take into account the factors found in subparagraphs (b)(2)(C) and (b)(2)(D) in establishing an exemption. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors referenced in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for *Bacillus simplex* strain BU288, including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with *Bacillus simplex* strain BU288 follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by *Bacillus simplex* strain BU288 as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

In an acute oral toxicity study of *Bacillus simplex* strain BU288 in rats the acute oral Lethal Dose (LD_{50}) was estimated to be greater than 5,000 milligrams/kilogram (mg/kg).

In an acute dermal toxicity study of *Bacillus simplex* strain BU288 in rats, the LD_{50} was determined to be greater than 5,050 mg/kg.

In an acute inhalation toxicity study of *Bacillus simplex* strain BU288 in rats, the acute inhalation Lethal Concentration (LC_{50}) is greater than 2.14 mg/Liter (L).

In an acute ocular irritation study of *Bacillus simplex* strain BU288 in rats,

minimal ocular irritation was observed during the 24-hr treatment period, with clearance by 48 hours.

A primary dermal irritation study was conducted for *Bacillus simplex* strain BU288 on rabbits. Very slight erythema was observed, with clearance by 24 hours.

In an acute intravenous toxicity and infectivity study with *Bacillus simplex* strain BU288 in rats the test substance *Bacillus simplex* strain BU288 was determined to be non-toxic at a dose of 1.0×10^9 CFU (colony forming units). There are no chronic toxicity studies available for *Bacillus simplex* strain BU288. *Bacillus simplex* and other closely related endospore-forming *Bacillus* species are ubiquitous in the environment. There are no reports of any potential human health or ecological hazards caused by *Bacillus simplex* strain BU288.

Based on the results of the Tier I testing, the Agency does not require any additional testing on potential subchronic or chronic toxicity. The absence of acute toxicity or pathogenicity in laboratory animals indicates that it is unlikely that the strain produces recognized toxins, enzymes, or virulence factors normally associated with mammalian invasiveness or toxicity. The results of *in vivo* toxicity testing identified no potential human health hazard following oral exposure to *Bacillus simplex* strain BU288. There are no reports of ecological or human health hazards caused by *Bacillus simplex* strain BU288. The absence of acute toxicity or pathogenicity in laboratory animals demonstrates the overall benign nature of this strain. The acute studies also cover chronic endpoints because the pathogenicity/infectivity studies are of longer duration, typically at least 21-days. This longer duration allows for the expression of possible toxicities associated with the microbe as well as ensuring that the microbe is recognized and cleared by the immune system of the exposed rodent. The information provided by the identification of the microbe and its potential hazards, both toxin production and possible clinical history, along with results of the infectivity/pathogenicity studies provide a basis for stating that *Bacillus simplex* strain BU288 is not expected to result in any subchronic or chronic, including cancer, toxicity.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD) and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. [For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*]

Due to the lack of hazard associated with *Bacillus simplex* strain BU288 based on the available data, no points of departure were identified for assessing risk.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to *Bacillus simplex* strain BU288, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from *Bacillus simplex* strain BU288 in food as follows:

Acute and chronic dietary assessments take into account exposure estimates from dietary consumption of food and drinking water. Because no adverse effects attributable to a single or repeat exposures to *Bacillus simplex* strain BU288 were seen in the toxicity databases, quantitative dietary risk assessments are not appropriate. Due to expected use of *Bacillus simplex* strain BU288 in pesticide formulations applied to growing crops and raw agricultural commodities after harvest, it is reasonable to expect that there will be some exposure to these substances from their use in pesticide products.

2. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and dapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables). It is possible that *Bacillus simplex* strain BU288 may be used as an inert ingredient in pesticide products that may result in residential exposures, although no residential uses are currently proposed. A residential exposure assessment was not conducted because no endpoint of concern following a single or repeat dose exposure was identified in the available studies.

3. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Because *Bacillus simplex* strain BU288 does not have a toxic mode of action or a mechanism of toxicity, this provision does not apply.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

Because there are no threshold effects associated with *Bacillus simplex* strain BU288, EPA conducted a qualitative assessment. As part of that assessment, the Agency did not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children. Based on an assessment of *Bacillus simplex* strain BU288, EPA has concluded that there are no toxicological endpoints of concern for the U.S. population, including infants and children.

E. Aggregate Risks and Determination of Safety

Based on the available data indicating a lack of toxicity associated with *Bacillus simplex* strain BU288, EPA concludes that there is a reasonable certainty that no harm will result to the

general population, or to infants and children from aggregate exposure to *Bacillus simplex* strain BU288 residues.

V. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 for residues of *Bacillus simplex* strain BU288 when used as an inert ingredient (emulsifier) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest.

VII. Statutory and Executive Order Reviews

This final rule establishes an exemption from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 28, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.910, alphabetically add the following inert ingredient to the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

Inert ingredients	Limits	Uses
* * * * * * *		
Bacillus simplex strain BU288		Emulsifier.
* * * * * * *		

[FR Doc. 2017–08249 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 423

[EPA–HQ–OW–2009–0819; FRL–9961–67–OW]

RIN 2040–AF14

Postponement of Certain Compliance Dates for Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification; postponement of compliance dates.

SUMMARY: By a letter dated April 12, 2017, the Administrator announced the EPA decision to reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric point source category under the Clean Water Act (''CWA''), published in the **Federal Register** on November 3, 2015. These regulations have been challenged in the U.S. Court of Appeals for the Fifth Circuit, *Southwestern Electric Power Co., et al.* v. *EPA,* No. 15–60821. The EPA is postponing these compliance dates pending judicial review.

DATES: April 25, 2017.

ADDRESSES: EPA has established a docket for the Rule amending 40 CFR part 423 under Docket ID No. EPA–HQ–OW–2009–0819. All documents in the docket are listed on the *http://www.regulations.gov* Web site.

FOR FURTHER INFORMATION CONTACT: For technical information, contact Ronald Jordan, United States Environmental Protection Agency, Engineering and Analysis Division; telephone number: (202) 564–1003; email address: *jordan.ronald@epa.gov.* For information related to NPDES permitting of these facilities, contact Sean Ramach at (202) 564–2865, email address: *ramach.sean@epa.gov.*

Electronic copies of this document and related materials are available on EPA's Web site at *https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines-2015-final-rule.* Copies of this notification are also available at *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 3, 2015, the EPA issued a final rule amending 40 CFR part 423, the effluent limitations guidelines and standards for the steam electric power generating point source category, under Sections 301, 304, 306, 307, 308, 402, and 501 of the CWA (33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361). The amendments addressed and contained limitations and standards on various wastestreams at steam electric power plants: Fly ash transport water, bottom ash transport water, flue gas mercury control wastewater, flue gas desulfurization (''FGD'') wastewater, gasification wastewater, and combustion residual leachate. Collectively, this rulemaking is known as the ''Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category'' (''Rule''). For further information on the Rule, see 80 FR 67838 (Nov. 3, 2015).

EPA received seven petitions for review of the Rule. The United States Judicial Panel on Multi-District Litigation issued an order on December 8, 2015, consolidating all of the petitions in the U.S. Court of Appeals for the Fifth Circuit. Petitioners have filed their briefs, and EPA's brief is currently due by May 4, 2017.

In a letter dated March 24, 2017, the Utility Water Act Group (''UWAG'') [1] submitted a petition for reconsideration of the Rule and requested that EPA suspend the Rule's approaching deadlines. In a letter dated April 5, 2017, the Small Business Administration Office of Advocacy also petitioned the EPA for reconsideration of the Rule. The petitions raise wide-ranging and sweeping objections to the Rule, some of which overlap with the claims in the ongoing litigation challenging the Rule in the U.S. Court of Appeals for the Fifth Circuit.[2] The UWAG petition also points to new data, claiming that plants burning subbituminous and bituminous coal cannot comply with the Rule's limitations and standards for FGD wastewater through use of EPA's model technology. The UWAG petition says that a pilot study has been conducted at the Pleasant Prairie plant that supports petitioner's request, and that a final report on the pilot study ''is likely to [be] publish[ed] . . . within the next few weeks.'' Moreover, the petitions say that new data have been collected by American Electric Power that ''illustrate[ ] that variability in wastewater management can also impact performance at bituminous plants such that additional technologies beyond EPA's model technology will be needed to achieve the limits.'' EPA wishes to review these data.

In an April 12, 2017 letter to those who submitted the reconsideration petitions, the Administrator announced his decision to reconsider the Rule (a copy of this letter is included in the docket for the Rule). As explained in that letter, after considering the objections raised in the reconsideration petitions, the Administrator determined that it is appropriate and in the public interest to reconsider the Rule. Under Section 705 of the APA (''Administrative Procedure Act''), 5 U.S.C. 705, and when justice so requires, an Agency may postpone the effective date of action taken by it pending judicial review. The earliest compliance dates for the new, and more stringent, best available technology economically achievable effluent limitations and pretreatment standards is November 1, 2018, for each of the following wastestreams: Fly ash transport water, bottom ash transport water, flue gas desulfurization wastewater, flue gas mercury control wastewater, and gasification wastewater. These dates have not yet passed, and they are within the meaning of the term ''effective date'' as that term is used in Section 705 of the APA. In light of the capital expenditures that facilities incurring costs under the Rule will need to undertake in order to meet the compliance deadlines for the new, more stringent limitations and standards in the Rule—which are as early as November 1, 2018, for direct dischargers and by November 1, 2018, for indirect dischargers—the Agency finds that justice requires it to postpone the compliance dates of the Rule that have not yet passed, pending judicial review. *See* 80 FR 67838, 67863–67868 (Nov. 3, 2015) (discussion of costs of the Rule). This will preserve the regulatory status quo with respect to wastestreams subject to the Rule's new, and more stringent, limitations and standards, while the litigation is pending and the reconsideration is underway. While EPA is not making any concession of error with respect to the rulemaking, the far-ranging issues contained in the reconsideration petitions warrant careful and considerate review of the Rule. EPA will also file a motion requesting the Fifth Circuit to hold the litigation challenging the Rule in abeyance while the Agency reconsiders the Rule, after which it will inform the

[1] UWAG is a voluntary, ad hoc, unincorporated group of 163 individual energy companies and three national trade associations of energy companies: Edison Electric Institute, the National Rural Electric Cooperative Association, and the American Public Power Association.

[2] A copy of each petition is included in the docket for this rule, Docket ID No. EPA–HQ–OW–2009–0819.

Court of any portions of the Rule for which it seeks a remand so that it can conduct further rulemaking. Separately, EPA intends to conduct notice and comment rulemaking to stay the compliance deadlines for the new, more stringent limitations and standards in the Rule.

II. Postponement of Compliance Dates

The EPA hereby issues a postponement of the compliance dates that have not yet passed contained in the following sections of the Effluent Guidelines and Standards for the Steam Electric Power Generating Point Source Category under Section 705 of the APA pending judicial review: 40 CFR 423.11(t), 423.13(g)(1)(i), (h)(1)(i), (i)(1)(i), (j)(1)(i), and (k)(1)(i), and 423.16(e), (f), (g), (h), and (i).

List of Subjects in 40 CFR Part 423

Environmental protection, Electric power generation, Power plants, Waste treatment and disposal, Water pollution control.

Dated: April 12, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–07811 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 82, No. 78
Tuesday, April 25, 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 71

[Docket No. FAA–2017–0209; Airspace Docket No. 17–AGL–9]

Proposed Revocation of Class E Airspace; Eaton Rapids, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove Class E airspace extending upward from 700 feet above the surface at Skyway Estates Airport, Eaton Rapids, MI. The cancellation of the standard instrument approach procedures at the airport has resulted in the airspace no longer being required.

DATES: Comments must be received on or before June 9, 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–2017–0209; Airspace Docket No. 17–AGL–9, 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 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would remove Class E airspace extending upward from 700 feet above the surface at Skyway Estates Airport, Eaton Rapids, MI.

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–2016–0209/Airspace Docket No. 17–AGL–9.'' The postcard will be date/time stamped and returned to the commenter.

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 removing Class E airspace extending upward from 700 feet above the surface at Skyway Estates Airport, Eaton Rapids, MI.

Airspace reconfiguration is necessary due to the cancellation of the standard instrument approach procedures at the airport as the airspace is no longer being required in compliance with FAA Order

JO 7400.2K, Procedures for Handling Airspace Matters.

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.

* * * * *

AGL MI E5 Eaton Rapids, MI [Removed]

Issued in Fort Worth, Texas, on April 17, 2017.

Walter Tweedy,

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

[FR Doc. 2017–08240 Filed 4–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9488; Airspace Docket No. 16–ASO–18]

Proposed Amendment of Class E Airspace; Albany, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Albany, GA, by removing the Notice to Airmen (NOTAM) part-time status of the Class E airspace designated as an extension to Class D airspace, at Southwest Georgia Regional Airport. This action would amend differences between the descriptions of Class D airspace and Class E surface areas and their associated Class E surface area extensions.

DATES: Comments must be received on or before June 9, 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–2016–9488; Airspace Docket No. 16–ASO–18, 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 designated as an extension to Class D airspace at Southwest Georgia Regional Airport, Albany, GA.

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–2016–9488; Airspace Docket No. 16–ASO–18.'' 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/airports_airtraffic/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 by removing the NOTAM part-time status of the Class E airspace designated as an extension to a Class D surface area at Southwest Georgia Regional Airport, Albany, GA. This action would bring the airspace description for the airport listed in FAA Order 7400.11A in line with the airspace hours listed in the applicable Chart Supplement (previously called Airport/Facility Directory).

Class E airspace designations are published in Paragraphs 6004 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 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

ASO GA E4 Albany-Southwest Georgia Regional Airport, GA [Amended]

Southwest Georgia Regional Airport, GA
(Lat. 31°32′08″ N., long. 84°11′40″ W.)
Pecan VORTAC
(Lat. 31°39′19″ N., long. 84°17′35″ W.)

That airspace extending upward from the surface within 1.3 miles each side of Pecan VORTAC 143° radial, extending from the 4.2-mile radius of Southwest Georgia Regional Airport to 1 mile southeast of the VORTAC.

Issued in College Park, Georgia, on April 4, 2017.

Ryan W. Almasy,

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

[FR Doc. 2017–08238 Filed 4–24–17; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 312

RIN 3084–AB20

Children's Online Privacy Protection Rule Safe Harbor Proposed Self-Regulatory Guidelines; TRUSTe COPPA Safe Harbor Program Application To Modify Program Requirements

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notification announcing submission of modifications to TRUSTe's Commission-approved ''safe harbor'' guidelines, and requesting public comment.

SUMMARY: The Federal Trade Commission publishes this document and request for public comment concerning proposed modifications to TRUSTe's self-regulatory guidelines,

under the safe harbor provision of the Children's Online Privacy Protection Rule.

DATES: Written comments must be received by May 24, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''TRUSTe Application for Modifications to Safe Harbor Program Requirements, Project No. P024526'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/coppatruste,* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''TRUSTe Application for Modifications to Safe Harbor Program Requirements, Project No. P024526'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex E), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Kristin Cohen, Attorney, (202) 326–2276 or Peder Magee, Attorney, (202) 326–3538, Division of Privacy and Identity Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

On October 20, 1999, the Commission issued its final Rule pursuant to the Children's Online Privacy Protection Act, 15 U.S.C. 6501 *et seq.,* which became effective on April 21, 2000.[1] On December 19, 2012, the Commission amended the Rule, and these amendments became effective on July 1, 2013.[2] The Rule requires certain Web site and online service operators to post privacy policies and provide notice, and obtain verifiable parental consent, prior to collecting, using, or disclosing personal information from children under the age of 13.[3] The Rule contains a ''safe harbor'' provision enabling industry groups or others to submit to the Commission for approval self-regulatory guidelines that would implement the Rule's protections.[4]

Pursuant to Section 312.11 of the Rule, TRUSTe submitted proposed self-regulatory guidelines to the Commission that the FTC approved in May 2001. TRUSTe subsequently updated its guidelines to comply with the revised Rule, which became effective on July 1, 2013. TRUSTe is now seeking to modify its Commission-approved Safe Harbor program requirements. The text of the proposed modified program requirements is available on the Commission's Web site, at *www.ftc.gov.*

Section B. Questions on the Proposed Modified Program Requirements

The Commission is seeking comment on various aspects of TRUSTe's proposed modified program requirements, and is particularly interested in receiving comment on the questions that follow. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted. Each response should cite the number and subsection of the question being answered. For all comments submitted, please provide any relevant data, statistics, or any other evidence, upon which those comments are based.

1. Please provide comments on any or all of the proposed modifications to TRUSTe's program requirements. For each provision commented on please describe (a) the impact of the provision(s), including benefits and costs, if any, and (b) what alternatives, if any, should be considered, as well as the costs and benefits of those alternatives.

2. Are the mechanisms used to assess operators' compliance with the proposed modified program requirements effective?[5] If not, please describe (a) whether and how TRUSTe could modify the assessment mechanisms to satisfy the Rule's requirements, and (b) the costs and benefits of those modifications.

3. Are the incentives for operators' compliance with the proposed modified program requirements effective?[6] If not, please describe (a) whether and how the incentives could be modified to satisfy the Rule's requirements, and (b) the costs and benefits of those modifications.

4. Please provide comments on any other issue deemed relevant to this matter.

Section C. Invitation To Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before May 24, 2017. Write ''TRUSTe Application for Modifications to Safe Harbor Program Requirements, Project No. P024526'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/coppatruste,* by following the instructions on the web-based form. If this document appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''TRUSTe Application for Modifications to Safe Harbor Program Requirements, Project No. P024526'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In

[1] 64 FR 59888 (1999).

[2] 78 FR 3972 (2013).

[3] 16 CFR part 312.

[4] *See* 16 CFR 312.11; 78 FR at 3995–96, 4012–13.

[5] *See* 16 CFR 312.11(b)(2); 78 FR at 4013.

[6] *See* 16 CFR 312.11(b)(3); 78 FR at 4013.

addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request in accordance with the law and the public interest. Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c).

Visit the Commission Web site at *http://www.ftc.gov* to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 24, 2017. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *https://www.ftc.gov/site-information/privacy-policy.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–08248 Filed 4–24–17; 8:45 am]

BILLING CODE 6750–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0369; FRL–9960–03–Region 3]

Determination of Attainment by the Attainment Date for the 2008 Ozone Standard; District of Columbia, Maryland, and Virginia; Washington, DC-MD-VA Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the Washington, DC-MD-VA marginal ozone nonattainment area (the Washington Area) has attained the 2008 ozone national ambient air quality standard (NAAQS) by the July 20, 2016 attainment date. This proposed determination is based on complete, certified, and quality assured ambient air quality monitoring data for the Washington Area for the 2013 through 2015 monitoring period. This proposed determination does not constitute a redesignation to attainment. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 25, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0369 at *https://www.regulations.gov,* or via email to *rehn.brian@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 *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Gavin Huang, (215) 814–2042, or by email at *huang.gavin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Requirement—Determination of Attainment by the Attainment Date

Section 181(b)(2) of the CAA requires EPA to determine, within 6 months of an ozone nonattainment area's attainment date, whether that area attained the ozone standard by that date. Section 181(b)(2) of the CAA also requires that areas that have not attained the standard by their attainment deadlines be reclassified to either the next higher classification (*e.g.,* marginal to moderate, moderate to serious, etc.) or to the classifications applicable to the areas' design values in Table 1 of 40 CFR 51.1103. CAA section 181(a)(5) provides a mechanism by which the EPA Administrator may grant a 1-year extension of an area's attainment deadline, provided that the relevant states meet certain criteria.

B. The Washington Area and Its Attainment Date

On July 18, 1997 at 62 FR 38855, EPA promulgated a revised ozone NAAQS of 0.08 parts per million (ppm), averaged over eight hours. This standard was determined to be more protective of public health than the previous 1979 1-hour ozone standard. In 2008, EPA revised the 8-hour ozone NAAQS from 0.08 to 0.075 ppm (the 2008 ozone NAAQS). *See* 73 FR 16436 (March 27, 2008). In a May 21, 2012 final rule, the Washington Area was designated as marginal nonattainment for the more stringent 2008 ozone NAAQS, effective on July 20, 2012. 77 FR 30088. The Washington Area consists of the Counties of Calvert, Charles, Frederick, Montgomery, and Prince George's in Maryland; the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park Cities in Virginia; and the entirety of the District of Columbia. *See* 40 CFR 81.309, 81.321, and 81.347.

In a separate rulemaking action, also published on May 21, 2012 and effective on July 20, 2012, EPA established the air quality thresholds that define the classifications assigned to all nonattainment areas for the 2008 ozone NAAQS (the Classifications Rule). See 77 FR 30160. This rulemaking also established December 31 of each

relevant calendar year as the attainment date for all nonattainment area classification categories. Section 181 of the CAA provides that the attainment deadline for ozone nonattainment areas is ''as expeditiously as practicable'' but no later than the prescribed dates that are provided in Table 1 of that section. In the Classifications Rule, EPA translated the deadlines in Table 1 of CAA section 181 for purposes of the 2008 standard by measuring those deadlines from the effective date of the new designations, but extended those deadlines by several months to December 31 of the corresponding calendar year. Pursuant to a challenge of EPA's interpretation of the attainment deadlines, on December 23, 2014, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued a decision rejecting, among other things, the Classifications Rule's attainment deadlines for the 2008 ozone nonattainment areas, finding that EPA did not have statutory authority under the CAA to extend those deadlines to the end of the calendar year. *NRDC* v. *EPA,* 777 F.3d 456, 464–69 (D.C. Cir. 2014). Accordingly, as part of the final rule, ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan (SIP) Requirements,'' for the 2008 ozone NAAQS (80 FR 12264, March 6, 2015) (hereinafter, SIP Requirements Rule), EPA modified the maximum attainment dates for all nonattainment areas for the 2008 ozone NAAQS, consistent with the D.C. Circuit's decision. The SIP Requirements Rule established a maximum deadline for marginal nonattainment areas of three years from the effective date of designation, or July 20, 2015, to attain the 2008 ozone NAAQS. *See* 80 FR at 12268; 40 CFR 51.1103.

In a final rulemaking action published on May 4, 2016, EPA determined that the Washington Area did not attain the 2008 ozone NAAQS by its July 20, 2015 attainment date, based on ambient air quality monitoring data for the 2012–2014 monitoring period. In that same action, EPA determined that the Washington Area qualified for a 1-year extension of its attainment date, as provided in section 181(a)(5) of the CAA and interpreted by regulation at 40 CFR 51.1107. With that final rulemaking action, the new attainment date for the Washington Area is July 20, 2016. *See* 81 FR 26697 (May 4, 2016).

II. EPA's Analysis of the Relevant Air Quality Data

Under EPA regulations, at 40 CFR part 50, appendix P, the 2008 ozone NAAQS is attained at a monitoring site when the three-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentration is less than or equal to 0.075 ppm. This three-year average is referred to as the design value. When the design value is less than or equal to 0.075 ppm at each ambient air quality monitoring site within the designated nonattainment area, then the area is deemed to be meeting the NAAQS. The rounding convention under 40 CFR part 50, appendix P dictates that concentrations shall be reported in ppm to the third decimal place, with additional digits to the right being truncated. Thus, a computed three-year average ozone concentration of 0.0759 ppm or lower would meet the standard, but 0.0760 ppm or higher is over the standard.

EPA's proposed determination of attainment is based upon data that has been collected and quality-assured in accordance with 40 CFR part 58 and recorded in EPA's Air Quality System (AQS) database. Ambient air quality monitoring data for the three-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the three-year average of the percent (%) of required monitoring days with valid ambient monitoring data is greater than 90%, and no single year has less than 75% data completeness, as determined according to 40 CFR part 50, appendix P. Tables 1 and 2 show the data completeness and ozone design values, respectively, for each monitor in the Washington Area for the years 2013–2015.

TABLE 1—2013–2015 WASHINGTON AREA OZONE MONITOR DATA COMPLETENESS

County, state	Site ID	% Data completeness			2013–2015 Average % completeness	Comment
		2013	2014	2015		
District of Columbia.	110010041	99	0	0	33	Construction caused temporary site shut down in 2014. [a]
	110010043	99	99	99	99	
	110010050	[d] 78	100	99	[d] 92	The site began operating in January 2013. It was shut down from July to November 2013 due to building repairs. [b]
Calvert, MD	240090011	99	100	96	98	
Charles, MD	240170010	90	97	98	95	
Frederick, MD	240210037	97	96	97	96	
Montgomery, MD	240313001	98	99	99	99	
Prince George's, MD.	240330030	100	99	95	98	
	240338003	100	98	99	99	
	240339991	[e] 99	[e] 100	[e] 100	[e] 99	Clean Air Status and Trends Network (CASTNET) monitor. [c]
Arlington, VA	510130020	94	100	99	98	
Fairfax, VA	510590030	99	91	97	96	
Loudoun, VA	511071005	100	99	93	97	
Prince William, VA	511530009	100	100	99	100	

Notes:

[a] The temporary shutdown was included in the District of Columbia Department of Energy & Environment (DC DOEE) July 2015 Annual Network Plan, which was submitted to EPA on June 25, 2015 and approved by EPA on November 12, 2015.

[b] The temporary shutdown was not included in the DC DOEE's Annual Network Plan.

[c] EPA's Clean Air Markets Division (CAMD) operates this CASTNET monitor.

[d] Completeness value after substitution analysis. The 2013 data was previously incomplete due to a temporary shutdown. The details of the analysis conducted by DC DOEE and EPA's approval letter of the substitution analysis are available online at *https://www.regulations.gov,* Docket number EPA–R03–OAR–2016–0369.

[e] Completeness value after substitution analysis. The data was previously incomplete due to malfunctions. The details of the analysis conducted by CAMD and EPA's approval letter of the substitution analysis are available online at *https://www.regulations.gov,* Docket number EPA–R03–OAR–2016–0369.

As shown in Table 1, several monitoring sites did not meet the completeness criteria set out in 40 CFR part 50, appendix P. For monitor 110010041 in the District of Columbia, the reason for the completeness issue was a monitor shutdown, approved into DC DOEE's annual network monitoring plan. Because three years of complete data is not possible at this monitoring site, EPA does not look for valid design values there in determining attainment with the NAAQS.

For monitor 110010050 in the District of Columbia, the temporary shutdown due to construction was not approved into the associated monitoring plan. For EPA's monitor 240339991 in Prince George's County, Maryland, there were malfunctions that led to completeness issues. In order to obtain a valid design value for these monitors, DC DOEE and EPA's CAMD conducted completeness demonstrations of ''missing days assumed less than the standard'' to show that had the monitors been operational on days for which data is missing, the ozone levels recorded would have been below the standard. DC DOEE and EPA performed an analysis of the meteorological data and a regression analysis in order to meet the data completeness requirements for these monitors. EPA also conducted for these two monitors a substitution analysis as a check on the validity of the meteorological analysis and regression analysis. Using these methods, EPA was able to ''add'' enough ozone season days to the two monitors to meet the data completeness requirements of 40 CFR part 50, appendix P. The details of these analyses and EPA's approval letters for both data substitution analyses are available online at *https://www.regulations.gov,* Docket number EPA–R03–OAR–2016–0369.

Consistent with the requirements contained in 40 CFR part 50, appendix P, EPA has reviewed the ozone ambient air quality monitoring data for the monitoring period from 2013 through 2015 for the Washington Area, as recorded in the AQS database. As shown in Table 2, all valid 2013–2015 design values are less than or equal to 0.075 ppm. Therefore, EPA concludes that the Washington Area has attained the 2008 ozone NAAQS, considering 2013–2015 data.

TABLE 2—2013–2015 WASHINGTON AREA 2008 OZONE DESIGN VALUES

[PPM]

County, state	Site ID	4th Highest daily max value			2013–2015 design values
		2013	2014	2015	
District of Columbia	110010041	0.062	0.047*		
	110010043	0.066	0.068	0.072	0.068
	110010050	0.066	0.069	0.072	0.069
Calvert, MD	240090011	0.067	0.070	0.067	0.068
Charles, MD	240170010	0.064	0.067	0.068	0.066
Frederick, MD	240210037	0.069	0.063	0.070	0.067
Montgomery, MD	240313001	0.069	0.064	0.072	0.068
Prince George's MD	240330030	0.068	0.065	0.072	0.068
	240338003	0.069	0.069	0.069	0.069
	240339991	0.072	0.069	0.067	0.069
Arlington, VA	510130020	0.067	0.071	0.073	0.070
Fairfax, VA	510590030	0.067	0.065	0.072	0.068
Loudoun, VA	511071005	0.066	0.063	0.071	0.066
Prince William, VA	511530009	0.066	0.062	0.067	0.065

Notes: Only valid design values for monitors meeting the completeness criteria are shown.
* Annual value does not meet completeness criteria.

III. Proposed Action

EPA evaluated ozone data from air quality monitors in the Washington Area in order to determine the Washington Area's attainment status under the 2008 ozone NAAQS. Federal, state, and local agencies responsible for ozone air monitoring networks supplied and quality assured the data. All the monitoring sites with valid data had design values equal to or less than 0.075 ppm based on the 2013 through 2015 monitoring period. Considering that review, EPA has concluded that the Washington Area attained the 2008 ozone NAAQS based on complete, quality assured and certified data for the 2013 through 2015 ozone seasons. Thus, EPA proposes to determine in accordance with its statutory obligations under section 181(b)(2)(A) of the CAA that the Washington Area attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2016. EPA's proposed determination is in accordance with applicable regulatory requirements under 81 FR 26697 (with respect to issuance of the 1-year extension of the attainment date for the Washington Area) and with the related provisions of the SIP Requirements Rule (40 CFR 51.1103).

This proposed determination of attainment does not constitute a redesignation to attainment. Redesignations require states to meet a number of additional criteria, including EPA approval of a state plan to maintain the air quality standard for 10 years after redesignation. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

This rulemaking action proposes to make a determination of attainment on the 2008 ozone NAAQS based on air quality and, if finalized, would not impose additional requirements. For that reason, this proposed determination of attainment:

- 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).

This SIP, proposing to determine that the Washington Area attained the 2008 ozone NAAQS by its July 20, 2016 attainment date, is not approved to apply on any Indian reservation land as defined in 18 U.S.C. 1151 or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: February 22, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017–08356 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WT Docket No. 17–80, WC Docket No. 10–90, WT Docket No. 10–208, WC Docket No. 11–10; DA 17–347]

Connect America Fund; Universal Service Reform—Mobility Fund

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: In this document, the Commission extends the deadline for filing comments and reply comments on the Commission's Further Notice of Proposed Rulemaking (FNPRM) in this proceeding, which was published in the **Federal Register** on March 13, 2017. The Commission also extends the deadline established in a separate Public Notice for filing justifications supporting confidentiality requests relating to mobile speed data filed through the Commission's Form 477.

DATES: The comment and reply comment period for the proposed rule published March 13, 2017 (82 FR 13413) is extended. Submit comments on or before April 26, 2017, and submit reply comments on or before May 11, 2017.

ADDRESSES: All filings in response to the FNPRM must refer to WC Docket No. 10–90 and WT Docket No. 10–208. The Commission strongly encourages parties to develop responses to the Further Notice that adhere to the organization and structure of the Further Notice. All filings in response to the Form 477 Public Notice must refer to WT Docket No. 17–80, WC Docket No. 10–90, WT Docket No. 10–208, and WC Docket No. 11–10. You may submit comments and other filings by any of the following methods:

- *Federal Communications Commission's Web site: http://apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Parties who choose to file by paper must file an original and seven copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

FOR FURTHER INFORMATION CONTACT: Audra Hale-Maddox, *Audra.Hale-Maddox@fcc.gov,* of the Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in WC Docket No. 10–90, WT Docket No. 10–208, WC Docket 11–10, WT Docket No. 17–80, DA 17–347, adopted and released on April 11, 2017, which extends the comment and reply comment filing deadlines established in the FNPRM published under FCC No. 17–11 (82 FR 13413) on March 13, 2017. The deadline to file justifications for requests for confidentiality of mobile speed data submitted through FCC Form 477, initially established in a separate Public Notice (DA 17–286, rel. March 29, 2017) (Form 477 Public Notice), was also extended in this *Order.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

Background

1. On March 7, 2017, the Commission released a Further Notice of Proposed Rulemaking (FNPRM) in WC Docket No.

10–90, WT Docket No. 10–208. The FNPRM set deadlines for filing comments and reply comments at 30 and 45 days, respectively, after publication of the FNPRM in the **Federal Register**. A summary of the FNPRM was published in the **Federal Register** on March 13, 2017. 78 FR 39691. Accordingly, the filing dates were established as April 12, 2017 for comments and April 27, 2017 for reply comments. The deadline for filing justifications for confidentiality requests in the Form 477 Public Notice was established as April 12, 2017. On April 7, 2017, CTIA filed a request to extend the comment deadline by 14 days and to extend the reply comment deadline by 14 days thereafter. CTIA also requested a 14-day extension of the justification for confidentiality requests for mobile speed data from the Form 477 Public Notice. CTIA states that these extensions are warranted to establish a full and complete record, better address technically complex and complicated questions, and increase the possibility of its developing an industry consensus proposal for the challenge process before submitting comments and reply comments. We grant the requested extensions.

2. As set forth in section 1.46 of the Commission's rules, 47 CFR 1.46(a), the Commission's policy is that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. In the instant case, however, we find that granting an extension of the comment and reply comment periods will serve the public interest by allowing consumer and industry representatives additional time to seek consensus regarding the FNPRM issues and by facilitating the development of a more complete record on complicated issues. Further, given that the Commission has extended the deadlines for filing comments and reply comments in this matter, it will also extend the deadline to submit justifications for confidentiality requests for the minimum advertised or expected 4G LTE mobile speeds included in their Form 477 filings in order to allow the related deadlines to remain aligned.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau.

[FR Doc. 2017–08433 Filed 4–24–17; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 82, No. 78
Tuesday, April 25, 2017

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 20, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 25, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Advanced Meat Recovery Systems.

OMB Control Number: 0583–0130.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) This statutes mandate that FSIS protect the public by ensuring that meat products are safe, wholesome, not adulterated, and properly labeled and packaged. FSIS requires that official establishments that produce meat from Advanced Meat Recovery (AMR) systems ensure that bones used for AMR systems do not contain brain, trigeminal ganglia, or spinal cord; to test for calcium (at a different level than previously required), iron, spinal cord, and dorsal root ganglia (DRG); to document their testing protocols, to assess manner that does not cause product to be misbranded or adulterated; and to maintain records of their documentation and test results.

Need and Use of the Information: FSIS will collect information from establishments to ensure that the meat product produced by the use of AMR systems is free from Bovine Spongiform Encephalopathy (BSE).

Description of Respondents: Business or other for-profit.

Number of Respondents: 50.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 21,259.

Food Safety and Inspection Service

Title: Nutrition Labeling of Major Cuts of Single-Ingredient Raw Meat or Poultry Products and Ground or Chopped Meat and Poultry Products.

OMB Control Number: 0583–0148.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et. seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*) These statutes mandate that FSIS protect the public by verifying that meat and, poultry products are safe, wholesome, not adulterated, and properly labeled and packaged. FSIS requires nutrition labeling of the major cuts of single-ingredients, raw meat and poultry products, unless an exemption applies. FSIS also requires nutrition labels on all ground or chopped meat and poultry products, with or without added seasonings, unless an exemption applies. Further, the nutrition labeling requirements for all ground or chopped meat and poultry products are consistent with the nutrition labeling requirements for multi-ingredient and heat processed products. (9 CFR 381.400(a), 9 CFR 317.300(a), 9 CFR 317.301(a), 9 CFR 381.401(a))

Need and Use of the Information: FSIS requires nutrition labeling of major cuts of single-ingredient, raw meat and poultry products, all ground or chopped meat and poultry products to ensure that consumers will use this information to make better informed nutrition choices when purchasing these meat and poultry products.

Description of Respondents: Business or other for-profit.

Number of Respondents: 76,439.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 67,861.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–08315 Filed 4–24–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 20, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance

the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by May 25, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Special Use Administration.

OMB Control Number: 0596–0082.

Summary of Collection: The Forest Service is authorized under Title 5 of the Federal Land Policy and Management Act of 1976 (FLPMA, Pub. L. 94–579); the Organic Administration Act of 1897, (16 U.S.C. 551); the National Forest Ski Area Permit Act (16 U.S.C. 497b); section 28 of the Mineral Leasing Act (30 U.S.C. 185); the National Forest Roads and Trails Act (FRTA, 16 U.S.C. 532–538); section 7 of the Granger-Thye Act (16 U.S.C. 480d); the Act of May 20, 2000 (16 U.S.C. 460/–6d); and the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801–6814) to issue and administer authorizations for use and occupancy of National Forest System (NFS) lands and require the collection of information from the public for those purposes. Forest Service regulations implementing these authorities, are found under Title 36, Code of Federal Regulations, Section 251, Subpart B (36 CFR 251, Subpart B). Information collected include submission of applications, execution of forms, and imposition of terms and conditions that entail information collection requirements, such as the requirement to submit annual financial information; to prepare and update an operating plan; to prepare and update a maintenance plan; and to submit compliance reports and information updates.

Authorized under their own various statutes, The Department of Interior's Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, and Bureau of Reclamation along with the U.S. Army Corps of Engineers also use the SF–299 to collect information.

Need and Use of the Information: The information collected is evaluated by the FS and DOI to ensure that authorized uses of NFS lands are in the public interest and are compatible with each Department's agency missions. The information helps each agency identify environmental and social impacts of special uses for purposes of compliance with the National Environmental Policy Act and program administration. Information is collected under six categories: (1) Information required from proponents and applicants to evaluate proposals and applications to use or occupy NFS lands; (2) information required from applicants to complete special use authorizations; (3) annual financial information required from holders to determine land use fees; (4) information required from holders to prepare and update operating plans; (5) information required from holders to prepare and update maintenance plans; and (6) information required from holders to complete compliance reports and information updates.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

Number of Respondents: 155,930.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 336,461.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–08359 Filed 4–24–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 20, 2017.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by May 25, 2017. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Organic Handler Market Promotion Assessment Exemption.

OMB Control Number: 0581–0216.

Summary of Collection: Industries enter into a marketing order program under the Agricultural Marketing Agreement Act (AMAA) of 1937, as amended by U.S.C. 601–674. Marketing Order programs provide an opportunity for producers of fresh fruit, vegetables, and specialty crops, in specified production areas, to work together to solve marketing problems that cannot be solved individually. In 2002, section 501 of the FAIR Act was amended (7

U.S.C. 7401) to exempt any person that produces and markets solely 100 percent organic products, and that does not produce any conventional or non-organic products, from paying assessments under a commodity promotion law with respect to any agricultural commodity that is produced on a certified organic farm as defined in section 2103 of the Organic Foods Production Act of 1990.

Section 10004 of the 2014 Farm Bill expanded the organic assessment exemption originally established by the FAIR Act. The 2014 Farm Bill allows all organic handlers to apply for an exemption from assessments on products certified as ''organic'' or ''100 percent organic,'' regardless of whether the handler also markets conventional or non-organic products. At the same time, the 2014 Farm bill reduced the per response time to complete the form from 30 minutes to 15 minutes.

Need and Use of the Information: Handlers submit the completed SC–649 form to the appropriate committee, board or council once a year to apply for an assessment exemption to a certain percentage. The information gathered on this form is necessary to assist the committees, boards and councils to determine an applicant's eligibility assessment exemption and to verify compliance.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 190.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually.

Total Burden Hours: 48.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–08291 Filed 4–24–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Business-Cooperative Service gives notice that it is requesting from the Office of Management and Budget (OMB) approval of a revision to a currently approved information collection for the Advanced Biofuel Payment Program.

DATES: Comments on this notice must be received by June 26, 2017 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Contact Lisa Noty, U.S. Department of Agriculture, 511 W. 7th Street, Atlantic, IA 50022, email: *lisa.noty@wdc.usda.gov,* phone (712) 243–2107 x116, fax (855)–251–2238.

SUPPLEMENTARY INFORMATION:

Title: Advanced Biofuel Payment Program.

OMB Number: OMB No. 0570–0063.

Expiration Date of Approval: September 30, 2017.

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

Abstract: The Advanced Biofuel Payment Program was authorized under section 9005 of Title IX of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill). It authorizes the Agency to enter into contracts to make payments to eligible entities to support and ensure an expanding production of advanced biofuels. Entities eligible to receive payments under the Program are producers of advanced biofuels that meet all of the requirements of the Program.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.89 hours per response.

Respondents: The respondents are the advanced biofuel producers and Agency staff who process applications and quarterly payment requests.

Estimated Number of Respondents: 275 advanced biofuel producers.

Estimated Number of Responses per Respondent: 7.2.

Estimate Number of Responses: 1,986.

Estimated Total Annual Burden on Respondents: 1,761 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, Stop 0742, 1400 Independence Ave. SW., Washington, DC 20250. All comments received will be available for public inspection during regular business hours at the same address.

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

Dated: April 18, 2017.

Chad Parker,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2017–08323 Filed 4–24–17; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 199, the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by June 26, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave. SW., STOP 1522, Room 5164, South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492, FAX: (202) 720–8435 or email *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for reinstatement.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will

have practical utility; (b) The accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) Ways to enhance the quality, utility and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave. SW., Washington, DC 20250–1522. Telephone (202) 690–4492, FAX: (202) 720–8435 or email *Thomas.Dickson@wdc.usda.gov*.

Title: RUS Specification for Quality Control and Inspection of Timber Products.

OMB Control Number: 0572–0076.

Type of Request: Extension of a currently approved collection.

Abstract: RUS Bulletin 1728H–702 and 7 CFR 1728.202 describe the responsibilities and procedures pertaining to the quality control by producers and pertaining to inspection of timber products produced in accordance with RUS specifications. In order to ensure the security of loan funds, adequate quality control of timber products is vital to loan security on electric power systems where hundreds of thousands of wood poles and cross-arms are used. Since RUS and its borrowers do not have the expertise or manpower to quickly determine imperfections in the wood products or their preservatives treatments, they must obtain service of an inspection agency to insure that the specifications for wood poles and cross-arms are being met. Copies of test reports on various preservatives must accompany each load of poles treated at the same time in a pressure cylinder (charge) as required by 7 CFR 1728.202(i). RUS feels the importance of safety concerns are enough to justify requiring test reports so that the purchaser, inspectors, and RUS will be able to spot check the general accuracy and reliability of the tests.

Estimate of Burden: This collection of information is estimated to average 1 hour per response.

Respondents: Not-for-profit institutions; Business or other for profit.

Estimated Number of Respondents: 25.

Estimated Number of Responses per Respondent: 800.

Estimated Total Annual Burden on Respondents: 20,333 hours.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, at (202) 205–3660, FAX: (202) 720–8435 or email: *Rebecca.hunt@wdc.usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 17, 2017.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–08324 Filed 4–24–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Connecticut Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that meetings of the Connecticut Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EDT) on: Tuesday, May 2, 2017, and Wednesday, May 10, 2017. The purpose of the meetings is to discuss and vote on an advisory memorandum to the Commission on solitary confinement and discuss future advice on the topic.

ADDRESSES: Public call-in information: Conference call-in number: 1–877–440–5787 and conference call 7771068.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–877–440–5787 and conference call 7771068. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–877–440–5787 and conference call 7771068.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=239;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda May 2, 2017

1. Open—Rollcall
2. Planning Meeting
   - Discussion of Statement of Concern
   - Vote on Statement of Concern
3. Open Comment
4. Adjourn

Agenda May 10, 2017

1. Open—Roll Call
2. Discussion of Advisory Memorandum
3. Vote on Memorandum
4. Open Comment
5. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of an administrative holdup on the notice.

Dated: April 19, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–08279 Filed 4–24–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wisconsin Advisory Committee for a Meeting To Continue Discussion of a Draft Report Resulting From the Committee's Study of Hate Crime in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Wisconsin Advisory Committee (Committee) will hold a meeting on Tuesday, May 30, 2017, at 12:00 p.m. CST for the purpose of discussing a draft report regarding hate crime in the state, in preparation to issue a final report and recommendations to the Commission on the topic.

DATES: The meeting will be held on Tuesday May 30, 2017, at 12:00 p.m. CST.

ADDRESSES: Public call information: Dial: 877–419–6590, Conference ID: 7201911.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 877–419–6590, conference ID: 7201911. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Wisconsin Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=282*). Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion of civil rights report: Hate Crime in Wisconsin
Future Plans and Actions: Civil Rights in Wisconsin
Public Comment
Adjournment

Dated: April 19, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–08280 Filed 4–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 170112067–7067–01]

Limited-Access Highway Classification Codes

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice and request for comment.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) publishes this notice to request public comment on a proposal to change the classification of limited-access highways in the Census Bureau's Master Address File/Topologically Integrated Referencing and Encoding (MAF/TIGER) System. The change will assign all limited-access highways a MAF/TIGER Feature Classification Code (MTFCC) of S1100 (Primary Roads). Currently, the classification code for limited-access highways is either S1100 (Primary Roads) or S1200 (Secondary Roads).

DATES: Written comments must be submitted on or before May 25, 2017.

ADDRESSES: Direct all written comments regarding the MTFCC change for limited-access highways to the Geography Division, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233; or by email <*geo.geography@census.gov*>.

FOR FURTHER INFORMATION CONTACT: Geography Division, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233; or by email <*geo.geography@census.gov*>.

SUPPLEMENTARY INFORMATION:

A. Background

MAF/TIGER System is an abbreviation for the Master Address File/Topologically Integrated Geographic Encoding and Referencing System. It is a digital (computer-readable) geographic database that automates the mapping and related geographic activities required to support the Census Bureau's census and survey programs. The Census Bureau developed TIGER to automate the geographic support processes needed to meet the major geographic needs of the 1990 census: Producing cartographic products to support data collection and map presentations, providing geographic structure for tabulation and dissemination of the collected statistical data, assigning residential and employer addresses to the correct geographic location and relating those locations to the geographic entities used for data tabulation, and so forth. During the 1990s, the Census Bureau developed an independent Master Address File (MAF) to support field operations and allocation of housing units for tabulations. After Census 2000, both the address-based MAF and geographic TIGER databases merged to form the MAF/TIGER System. The contents of the MAF/TIGER System undergo continuous updating and are made available to the public through a variety of TIGER products such as shapefiles, geodatabases, and web map services.

B. Proposed Change

The Census Bureau publishes this notice to request public comment on a proposal to change the classification of limited-access highways in the MAF/TIGER System.

Currently, the classification code for limited-access highways is either Primary Roads (S1100) or Secondary Roads (S1200). The following is the

current description of the S1100 classification:

Primary roads are generally divided, limited-access highways within the Interstate Highway System or under state management, and are distinguished by the presence of interchanges. These highways are accessible by ramps and may include some toll highways.

To clarify that limited-access highways are primary roads we have revised the description of primary roads. The current description says primary roads are generally divided, limited-access highways, while the proposed description says they are limited-access highways, divided or not. The proposed description of the S1100 classification is:

Primary roads are limited-access highways that connect to other roads only at interchanges and not at at-grade intersections. This category includes interstate highways, as well as all other highways with limited access (some of which are toll roads). Limited-access highways with only one lane in each direction, as well as those that are undivided, are also included under S1100.

The following is the current description of the S1200 classification:

Secondary roads are main arteries, usually in the U.S. highway, state highway, or county highway systems. These roads have one or more lanes of traffic in each direction, may or may not be divided, and usually have at-grade intersections with many other roads and driveways. They often have both a local name and a route number.

The proposed description makes clear that secondary roads are not limited-access highways. The proposed description is:

Secondary roads are main arteries that are not limited access, usually in the U.S. highway, state highway, or county highway systems. These roads have one or more lanes of traffic in each direction, may or may not be divided, and usually have at-grade intersections with many other roads and driveways. They often have both a local name and a route number.

Generally, only interstate highways are currently in the S1100 classification. The impetus for this change was from the United States Geological Survey (USGS) Geospatial Technical Operations Center (GTOC). USGS and the Census Bureau have a Memorandum of Understanding (MOU) for coordination and cooperation pertaining to the exchange and use of TIGER roads in The National Map. The Census Bureau delivers roads to USGS for use in The National Map and US Topo topographic maps and they provide feedback on the data. USGS proposed this change so that all limited-access highways would be classified and displayed as primary roads in their products. Both USGS GTOC and Census Geography Division agree that clarification of the definitions for S1100 and S1200 will require minimal changes to TIGER roads that are currently classified as S1200s. Since this reclassification to S1100 roads provides consistency and is in line with the current MTFCC descriptions, the Census Bureau is prepared to initiate this change, pending comments from users.

C. Request for Comment

We would like to hear from the TIGER user community about the potential impacts of this change. Please respond to any or all of the following questions:

1. Will this change have a positive or negative impact on your use of TIGER products?
2. How will this change impact the cartographic display of roads in TIGER products that you use?
3. Please describe your use of TIGER roads products and your familiarity and use of limited-access highway features.

Date: April 19, 2017.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2017–08320 Filed 4–24–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–02–2017]

Foreign-Trade Zone (FTZ) 44—Morris County, New Jersey Authorization of Production Activity AGFA Corporation Subzone 44I (Aluminum Digital Printing Plates) Branchburg, New Jersey

On December 19, 2016, AGFA Corporation submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 44I, in Branchburg, New Jersey.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (82 FR 2311–2312, January 9, 2017). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: April 18, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–08317 Filed 4–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–87–2016]

Foreign-Trade Zone (FTZ) 87—Lake Charles, Louisiana, Authorization of Production Activity, Westlake Chemical Corporation, Subzone 87F, (Polyethylene and Styrene), Sulphur, Louisiana

On December 16, 2016, Westlake Chemical Corporation submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within Subzone 87F, in Sulphur, Louisiana.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (82 FR 1316, January 5, 2017). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: April 17, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–08319 Filed 4–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–88–2016]

Foreign-Trade Zone (FTZ) 68—El Paso, Texas; Authorization of Production Activity; PGTEX USA, Inc.; (Fiber Glass Fabrics) El Paso, Texas

On December 19, 2016, PGTEX USA, Inc. (PGTEX) submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 68—Site 3, in El Paso, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (82 FR 1316–1317, January 5, 2017). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14, and further subject to a restriction requiring that foreign-status yarns (glass fiber) (HTSUS 7019.19), glass fibers (HTSUS 7019.90), and polyester yarn

(HTSUS 5402.33) be admitted to the subzone in privileged foreign status (19 CFR 146.41).

Dated: April 18, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–08318 Filed 4–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on May 10, 2017, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Status reports by working group chairs.
3. Public comments and Proposals.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than May 3, 2017.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 15, 2017, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2017–08264 Filed 4–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Notice of Partially Closed Meeting of the Materials Processing Equipment Technical Advisory Committee

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on May 16, 2017, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Open Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the Public.
3. Discussions on results from last, and proposals from last Wassenaar meeting.
4. Report on proposed and recently issued changes to the Export Administration Regulations.
5. Other business.

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than May 9, 2017.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 15, 2017, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with matters the premature disclosure of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2017–08270 Filed 4–24–17; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–052]

Certain Hardwood Plywood Products From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain hardwood plywood products (hardwood plywood) from the People's Republic of China (PRC). The period of investigation is January 1, 2015, through December 31, 2015.

DATES: Effective April 25, 2017.

FOR FURTHER INFORMATION CONTACT: Justin Neuman or Matthew Renkey, AD/CVD Operations, Office V, Enforcement

and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0486 or (202) 482–2312, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (Act). The Department published the notice of initiation of this investigation on December 16, 2016.[1] On January 27, 2017, the Department postponed the preliminary determination of this investigation to April 17, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II 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 *http://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 at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is hardwood plywood from the PRC. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* We have evaluated the scope comments filed by the interested parties and are issuing our preliminary decision regarding the scope of the AD and CVD investigations in conjunction with this preliminary determination. We will issue final scope decisions after considering any relevant comments submitted in case and rebuttal briefs.

Methodology

The Department is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, the Department preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6]

The Department notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to the Department's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.[7] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 703(e)(1) of the Act, the Department preliminarily determines that critical circumstances exist with respect to imports of hardwood plywood from PRC for Shandong Dongfang Bayley Wood Co., Ltd. (Bayley Wood) and all other exporters or producers not individually examined (including those that did not respond to our quantity and value questionnaire), but do not exist with respect to Linyi Sanfortune Wood Co., Ltd. (Sanfortune). For a full description of the methodology and results of the Department's analysis, *see* the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), the Department is aligning the final countervailing duty (CVD) determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of hardwood plywood from the PRC based on a request made by Petitioners.[8] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than August 30, 2017, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, the Department shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. In this investigation, the Department preliminarily assigned a rate based entirely on facts available to Bayley Wood. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Sanfortune. Consequently, the rate calculated for Sanfortune is also assigned as the rate for all-other producers and exporters.

Preliminary Determination

The Department preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Dongfang Bayley Wood Co., Ltd[9]	111.09
Linyi Sanfortune Wood Co., Ltd	9.89
All-Others	9.89
Anji Qichen Bamboo Industry Co. Ltd[10]	111.09
Deqing Shengqiang Wood Co., Ltd	111.09
Guangxi Sunway Cen.Xi Artificial Board Ltd	111.09
Guangxi Sunway Forest Products Industry Co., Ltd	111.09
Hebei Tongli Wood Co., Ltd	111.09
Heze Fulin Wood Products Co., Ltd	111.09
Jiashan Minghong Wood Industry Co., Ltd	111.09
Jiaxing Brilliant Import & Export Co., Ltd	111.09

[1] *See Certain Hardwood Plywood Products from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 81 FR 91131 (December 16, 2016) (*Initiation Notice*).

[2] *See Countervailing Duty Investigation of Certain Hardwood Plywood Products from the People's Republic of China: Postponement of Preliminary Determination,* 82 FR 8605 (January 27, 2017).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Certain Hardwood Plywood Products from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *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.

[7] *See* sections 776(a) and (b) of the Act.

[8] *See* Petitioners' Alignment Request, dated April 13, 2017.

[9] As discussed in the Preliminary Decision Memorandum, the Department has found that Bayley Wood is cross-owned with Linyi Yinhe Panel Factory (Yinhe Panel), a producer of subject merchandise. The Department also applied total adverse facts available (AFA) to Bayley Wood and Yinhe Panel.

[10] This company and those listed below are receiving the AFA rate because they did not respond to our quantity and value questionnaire.

Company	Subsidy rate (percent)
Joc Yuantai International Trading Co., Ltd	111.09
Keens Products	111.09
King Sheng	111.09
Kunming Alston Ast Wood Products Co., Ltd	111.09
Langfang Baomujie Wood Co., Ltd	111.09
Larkcop International Co., Ltd	111.09
Linyi Cathay Pacific Wood Factory	111.09
Linyi Celtic Wood Co., Ltd	111.09
Linyi Dongri Plywood Co., Ltd	111.09
Linyi Hongma	111.09
Linyi Jinhua Wood Co., Ltd	111.09
Linyi Kai Yi Arts and Crafts Co., Ltd	111.09
Linyi Laiyi Timber Industry Co., Ltd	111.09
Linyi Lianyi Wood Co., Ltd	111.09
Linyi Raya Commerce	111.09
Linyi Yutai Wood Co., Ltd	111.09
Lishui Liancheng Pencil Manufacturing Co., Ltd	111.09
Mol Consolidation Service	111.09
Ningbo Asia Pulp and Paper	111.09
Ningbo Zhonghua Paper	111.09
Qiangsheng Wood Co., Ltd	111.09
Qingdao Liansheng International Trading	111.09
Qufu Shengda Wood Co., Ltd	111.09
Shandong Fengtai Wood Co., Ltd	111.09
Shandong Hongyang Fire Resistant	111.09
Shandong Xingang Group	111.09
Shanghai Sunshine Decorative Materials Co., Ltd	111.09
Shenghe Wood Company Ltd	111.09
Shouguang Evergreen Im & Ex Co. Ltd[11]	111.09
Shouguang Taizhong Wood Co., Ltd	111.09
Siyang Jiayuan Woodindustry Co., Ltd	111.09
Siyang Senda Wood Industry Co., Ltd	111.09
Suqian Bairun Wood Industry Co., Ltd	111.09
Suqian Foreign Trade Co., Ltd	111.09
Suqian Sulu Wood Industry Co., Ltd[12]	111.09
Suzbou Dong He Wood Co., Ltd	111.09
Tianjin Canex	111.09
Tianjin Zhanye Metal Products Co., Ltd	111.09
Xuzhou Fuyuan Wood Co., Ltd	111.09
Xuzhou Hongwei Wood Co., Ltd	111.09
Xuzhou Ruilin Timber Co., Ltd	111.09
Xuzhou Shenghe Wood Products	111.09
Xuzhou Woodhi Trading Co. Ltd	111.09
Xuzhou Yishun Brightwood Co. Ltd	111.09
Xuzhou Zhongda Building Materials Co., Ltd	111.09
Xuzhou Zhongyuan Wood Co., Ltd	111.09
Yixing Lion-King Timber Industry Co., Ltd	111.09
Zhejiang Deqing Shengqiang Wood Co., Ltd	111.09
Zhejiang Fuerjia Wooden Company	111.09
Zhejiang Jufeng Wood Co., Ltd	111.09
Zhejiang Xinyuan Bamboo Products Co., Ltd	111.09
Zhejiang Yongyu Bamboo Joint-Stock Co., Ltd	111.09

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the rates indicated above.

Section 703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. The Department preliminarily finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Bayley Wood and all other exporters [13] or producers not individually examined. In accordance with section 703(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise from the exporters/producers identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

Disclosure

The Department intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[14] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, the Department will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: April 17, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise subject to this investigation is hardwood and decorative plywood, and certain veneered panels as described below. For purposes of this proceeding, hardwood and decorative plywood is defined as a generally flat, multilayered plywood or other veneered panel, consisting of two or more layers or plies of wood veneers and a core, with the face and/or back veneer made of non-coniferous wood (hardwood) or bamboo. The veneers, along with the core may be glued or otherwise bonded together. Hardwood and decorative plywood may include products that meet the American National Standard for Hardwood and Decorative Plywood, ANSI/HPVA HP–1–2016 (including any revisions to that standard).

[11] This company was listed as having the following two ''aka'' names: Shouguang Evergreen Co., Ltd. and Weifang Evergreen Wood Co., Ltd.

[12] This company was listed as having the following ''aka'' name: Suqian Sulu Import and Export Trading.

[13] This includes those companies that are receiving the AFA rate, as described in footnote 10.

[14] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

For purposes of this investigation a ''veneer'' is a slice of wood regardless of thickness which is cut, sliced or sawed from a log, bolt, or flitch. The face and back veneers are the outermost veneer of wood on either side of the core irrespective of additional surface coatings or covers as described below.

The core of hardwood and decorative plywood consists of the layer or layers of one or more material(s) that are situated between the face and back veneers. The core may be composed of a range of materials, including but not limited to hardwood, softwood, particleboard, or medium-density fiberboard (MDF).

All hardwood plywood is included within the scope of this investigation regardless of whether or not the face and/or back veneers are surface coated or covered and whether or not such surface coating(s) or covers obscures the grain, textures, or markings of the wood. Examples of surface coatings and covers include, but are not limited to: Ultra violet light cured polyurethanes; oil or oil-modified or water based polyurethanes; wax; epoxy-ester finishes; moisture-cured urethanes; paints; stains; paper; aluminum; high pressure laminate; MDF; medium density overlay (MDO); and phenolic film. Additionally, the face veneer of hardwood plywood may be sanded; smoothed or given a ''distressed'' appearance through such methods as hand-scraping or wire brushing. All hardwood plywood is included within the scope even if it is trimmed; cut-to-size; notched; punched; drilled; or has underwent other forms of minor processing.

All hardwood and decorative plywood is included within the scope of this investigation, without regard to dimension (overall thickness, thickness of face veneer, thickness of back veneer, thickness of core, thickness of inner veneers, width, or length). However, the most common panel sizes of hardwood and decorative plywood are 1219 x 1829 mm (48 x 72 inches), 1219 x 2438 mm (48 x 96 inches), and 1219 x 3048 mm (48 x 120 inches).

Subject merchandise also includes hardwood and decorative plywood that has been further processed in a third country, including but not limited to trimming, cutting, notching, punching, drilling, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product.

The scope of the investigation excludes the following items: (1) Structural plywood (also known as ''industrial plywood'' or ''industrial panels'') that is manufactured to meet U.S. Products Standard PS 1–09, PS 2–09, or PS 2–10 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), and which has both a face and a back veneer of coniferous wood; (2) products which have a face and back veneer of cork; (3) multilayered wood flooring, as described in the antidumping duty and countervailing duty orders on Multilayered Wood Flooring from the People's Republic of China, Import Administration, International Trade Administration. *See Multilayered Wood Flooring from the People's Republic of China,* 76 FR 76690 (December 8, 2011) (*amended final determination of sales at less than fair value and antidumping duty order*), and *Multilayered Wood Flooring from the People's Republic of China,* 76 FR 76693 (December 8, 2011) (*countervailing duty order*), *as amended* by *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders,* 77 FR 5484 (February 3, 2012); (4) multilayered wood flooring with a face veneer of bamboo or composed entirely of bamboo; (5) plywood which has a shape or design other than a flat panel, with the exception of any minor processing described above; (6) products made entirely from bamboo and adhesives (also known as ''solid bamboo''); and (7) Phenolic Film Faced Plyform (PFF), also known as Phenolic Surface Film Plywood (PSF), defined as a panel with an ''Exterior'' or ''Exposure 1'' bond classification as is defined by The Engineered Wood Association, having an opaque phenolic film layer with a weight equal to or greater than 90g/m^3 permanently bonded on both the face and back veneers and an opaque, moisture resistant coating applied to the edges.

Excluded from the scope of these investigations are wooden furniture goods that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of these investigations is ''ready to assemble'' (''RTA'') furniture. RTA furniture is defined as furniture packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes (1) all wooden components (in finished form) required to assemble a finished unit of furniture, (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, adhesive glues) required to assemble a finished unit of furniture, and (3) instructions providing guidance on the assembly of a finished unit of furniture.

Excluded from the scope are kitchen cabinets that, at the time of importation, are fully assembled and are ready for their intended uses. Also excluded from the scope of these investigations are RTA kitchen cabinets. RTA kitchen cabinets are defined as kitchen cabinets packaged for sale for ultimate purchase by an end-user that, at the time of importation, includes (1) all wooden components (in finished form) required to assemble a finished unit of cabinetry, (2) all accessory parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, hooks, adhesive glues) required to assemble a finished unit of cabinetry, and (3) instructions providing guidance on the assembly of a finished unit of cabinetry.

Imports of hardwood plywood are primarily entered under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4412.10.0500; 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.5175; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3141; 4412.94.3161; 4412.94.3175; 4412.94.4100; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5115; and 4412.99.5710.

Imports of hardwood plywood may also enter under HTSUS subheadings 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.10.9000; 4412.94.5100; 4412.94.9500; and 4412.99.9500. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Alignment
IV. Scope Comments
V. Scope of the Investigation
VI. Injury Test
VII. Application of the CVD Law to Imports From the PRC
VIII. Preliminary Determination of Critical Circumstances
IX. Subsidies Valuation
X. Benchmarks and Interest Rates
XI. Use of Facts Otherwise Available and Adverse Inferences
XII. Analysis of Programs
XIII. ITC Notification
XIV. Disclosure and Public Comment
XV. Verification
XVI. Conclusion

[FR Doc. 2017–08328 Filed 4–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967, C–570–968]

Aluminum Extrusions From the People's Republic of China: Continuation of Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (Department) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from the

People's Republic of China would likely lead to a continuation or recurrence of dumping and countervailable subsidies and material injury to an industry in the United States, the Department is publishing a notice of continuation of the AD and CVD orders.

DATES: Effective April 25, 2017.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold or Deborah Scott, 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) 482–1121 or (202) 482–2657, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 2016, the Department published the notice of initiation of the first sunset reviews of the AD and CVD orders on aluminum extrusions from the People's Republic of China, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[1] As a result of the reviews, the Department determined that revocation of the AD order would likely lead to a continuation or recurrence of dumping, and that revocation of the CVD order would likely lead to continuation or recurrence of countervailable subsidies.[2] The Department, therefore, notified the ITC of the magnitude of the dumping margins and net countervailable subsidy rates likely to prevail should the AD and CVD orders be revoked. On March 27, 2017, the ITC published notice of its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the AD and CVD orders on aluminum extrusions from the People's Republic of China would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3]

Scope of the Orders

The merchandise covered by the orders is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise is made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion (drawn aluminum) are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.,* without any coating or further finishing), brushed, buffed, polished, anodized (including brightdip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.,* prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swedged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof. Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum extrusion components that are attached *(e.g.,* by welding or fasteners) to form subassemblies, *i.e.,* partially assembled merchandise unless imported as part of the finished goods 'kit' defined further below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat sink exclusionary language below). Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation. The following aluminum extrusion products are excluded: Aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels. The scope also excludes finished goods containing aluminum extrusions that are entered unassembled in a ''finished goods kit.'' A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled ''as is''

[1] *See Initiation of Five-Year (''Sunset'') Reviews,* 81 FR 18829 (April 1, 2016).

[2] *See Aluminum Extrusions From the People's Republic of China: Final Results of Expedited First Sunset Review of the Antidumping Duty Order,* 81 FR 51855 (August 5, 2016) (*AD Final Results*), *and Aluminum Extrusions From the People's Republic of China: Final Results of Expedited First Sunset Review of the Countervailing Duty Order,* 81 FR 51858 (August 5, 2016) (*CVD Final Results*).

[3] *See Certain Aluminum Extrusions From China: Investigation Nos. 701–TA–475 and 731–TA–1177, 792 (Review),* USITC Publication 4677 (March 2016); *see also Aluminum Extrusions From China Determinations,* 82 FR 15716 (March 30, 2017).

into a finished product. An imported product will not be considered a ''finished goods kit'' and therefore excluded from the scope of the investigation merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product.

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics: (1) Length of 37 millimeters (''mm'') or 62 mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

Also excluded from the scope of these orders are finished heat sinks. Finished heat sinks are fabricated heat sinks made from aluminum extrusions the design and production of which are organized around meeting certain specified thermal performance requirements and which have been fully, albeit not necessarily individually, tested to comply with such requirements.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 7616.99.51, 8479.89.94, 8481.90.9060, 8481.90.9085, 9031.90.9195, 8424.90.9080, 9405.99.4020, 9031.90.90.95, 7616.10.90.90, 7609.00.00, 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99, as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written descriptions of the scope of these orders are dispositive.

Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of the AD order and the CVD order would likely lead to a continuation or recurrence of dumping and countervailable subsidies, respectively, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), the Department hereby orders the continuation of the AD and CVD orders on aluminum extrusions from the People's Republic of China.

U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year sunset reviews of the orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: April 19, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–08352 Filed 4–24–17; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determination Under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (''CAFTA–DR Agreement'')

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA–DR Agreement.

DATES: *Effective Date:* April 25, 2017.

SUMMARY: The Committee for the Implementation of Textile Agreements (''CITA'') has determined that certain woven modal-polyester print fabric, as specified below, is not available in commercial quantities in a timely manner in the CAFTA–DR countries. The product will be added to the list in Annex 3.25 of the CAFTA–DR Agreement in unrestricted quantities.

FOR FURTHER INFORMATION CONTACT: Maria Goodman, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3651.

For Further Information Online: http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf under ''Approved Requests,'' Reference number: 208.2017.03.20.Fabric.BWAandDillards

SUPPLEMENTARY INFORMATION:

Authority: The CAFTA–DR Agreement; Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (''CAFTA–DR Implementation Act''), Public Law 109–53; the Statement of Administrative Action, accompanying the CAFTA–DR Implementation Act; and Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

Background

The CAFTA–DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA–DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA–DR Agreement provides that this list may be modified pursuant to Article 3.25.4 and 3.25.5, when the President of the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. *See* Annex 3.25 of the CAFTA–DR Agreement; *see also* section 203(o)(4)(C) of the CAFTA–DR Implementation Act.

The CAFTA–DR Implementation Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of CAFTA–DR Implementation Act for modifying the Annex 3.25 list. Pursuant to this authority, on September 15, 2008, CITA published modified procedures it would follow in considering requests to modify the Annex 3.25 list of products determined to be not commercially available in the territory of any Party to CAFTA–DR (*Modifications to Procedures for Considering Requests Under the Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement,* 73 FR 53200) (''CITA's procedures'').

On March 20, 2017, the Chairman of CITA received a request for a Commercial Availability determination (''Request'') from BWA Inc. (''BWA'') and Dillard's Inc. for certain woven modal-polyester print fabric. On March 21, 2017, in accordance with CITA's procedures, CITA notified interested parties of the Request, which was posted on the dedicated Web site for CAFTA–DR Commercial Availability proceedings. In its notification, CITA advised that anyResponse with an Offer to Supply (''Response'') must be submitted by April 3, 2017, and any Rebuttal Comments to a Response must be submitted by April 7, 2017, in accordance with sections 6 and 7 of CITA's procedures. No interested entity submitted a Response to the Request advising CITA of its objection to the Request and its offer to supply the subject product. In accordance with section 203(o)(4)(C) of the CAFTA–DR Implementation Act, and section 8(c)(2) of CITA's procedures, as no interested entity submitted a Response objecting to the Request and providing an offer to supply the subject product, CITA has determined to add the specified fabric to the list in Annex 3.25 of the CAFTA–DR Agreement.

The subject product has been added to the list in Annex 3.25 of the CAFTA–DR Agreement in unrestricted quantities. A revised list has been posted on the dedicated Web site for CAFTA–DR Commercial Availability proceedings, at *http://otexa.trade.gov/caftaannex325.htm.*

Specifications

Certain Woven Modal-Polyester Print Fabric

HTSUS: 5516.14; 5516.24.

Fiber Content: 52–95% spun modal rayon; 5–48% filament polyester.

Yarn Size:

Spun Modal Rayon—32/1 to 88/1 (metric)

Filament Polyester—52 to 122 (metric)

Thread Count: 31 to 60 warp ends per cm (metric); 25 to 40 filling picks per cm (metric).

Weave type: Plain weave, or twill or dobby or jacquard or oxford or satin.

Weight: 100–300 grams per sq. meter.

Width: 137 to 153 cm (metric).

Coloration: Print.

Finishing processes: Sandwash in combination with or without one or more of the following: Wicking, UV blocker, peached, stain-resistant, Teflon finish, insect resistance.

Terry Labat,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2017–08278 Filed 4–24–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0053]

Agency Information Collection Activities; Comment Request; Federal Direct Loan Program and Federal Family Education Loan Program Teacher Loan Forgiveness Forms

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 26, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0053. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–82, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jon Utz, 202–377–4040.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the

following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Direct Loan Program and Federal Family Education Loan Program Teacher Loan Forgiveness Forms.

OMB Control Number: 1845–0059.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 8,700.

Total Estimated Number of Annual Burden Hours: 2,871.

Abstract: The Teacher Loan Forgiveness (TLF) Application serves as the means by which an eligible Direct Loan or FFEL program borrower who has completed five consecutive years of qualifying teaching service applies for forgiveness of up to $5,000 or up to $17,500 of his or her eligible loans. Eligible special education teachers and secondary school math or science teachers may receive a maximum of $17,500 in loan forgiveness. Other teachers may receive a maximum of $5,000 in loan forgiveness. Borrowers who are working toward loan forgiveness may use the TLF Forbearance Request to request a forbearance during some or all of their required five consecutive years of teaching service. A prospective TLF applicant may receive a forbearance during some or all of the five-year teaching period only if the projected balance on the borrower's eligible loans at the end of the five-year period (if the borrower made monthly loan payments during that period) would be less than the maximum forgiveness amount for which the borrower qualifies.

Dated: April 20, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–08353 Filed 4–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0055]

Agency Information Collection Activities; Comment Request; International Early Learning Study (IELS) 2018 Field Test Data Collection and Main Study Recruitment

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 26, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0055. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–82, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact NCES Information Collections at *NCES.Information.Collections@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: International Early Learning Study (IELS) 2018 Field Test Data Collection and Main Study Recruitment.

OMB Control Number: 1850–0936.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 6,309.

Total Estimated Number of Annual Burden Hours: 2,563.

Abstract: The International Early Learning Study (IELS), scheduled to be conducted in 2018, is a new study sponsored by the Organization for Economic Cooperation and Development (OECD), an intergovernmental organization of industrialized countries. In the United States, the IELS is conducted by the National Center for Education Statistics (NCES). The IELS focuses on young children and their cognitive and non-cognitive skills and competencies as they transition to primary school. The IELS is designed to examine: Children's early learning and development in a broad range of domains, including social and cognitive skills; the relationship between children's early learning and children's participation in early childhood education and care (ECEC); the role of contextual factors, including children's individual characteristics and their home backgrounds and experiences, in promoting young children's growth and development; and how early learning varies across and within countries prior to beginning primary school. In 2018, in the participating countries, including the United States, the IELS will assess nationally-representative samples of children ages 5.0–5.5 years (in kindergarten in the United States) through direct and indirect measures, and will collect contextual data about their home learning environments, ECEC histories, and demographic characteristics. The IELS will measure

young children's knowledge, skills, and competencies in both cognitive and non-cognitive domains, including language and literacy, mathematics and numeracy, executive function/self-regulation, and social emotional skills. This assessment will take place as children are transitioning to primary school and will provide data on how U.S. children entering kindergarten compare with their international peers on skills deemed important for later success. To prepare for the main study that will take place in September–November 2018, the IELS countries will conduct a field test in the fall of 2017 to evaluate newly developed assessment instruments and questionnaires and to test the study operations. The U.S. IELS field test data collection will occur from November to December, 2017, with respondent recruitment beginning in May 2017. Recruitment activities for the 2017 field test were approved in April 2017 (OMB 1850–0936 v.1–2). This request is to conduct 2017 IELS field test data collection as well as recruitment for the IELS 2018 main study.

Dated: April 20, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–08322 Filed 4–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Expanding Opportunity Through Quality Charter Schools Program (CSP)—Grants to State Entities; Correction.

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice; correction.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282M.

SUMMARY: On March 27, 2017, we published in the **Federal Register** (82 FR 15196) a notice inviting applications for new awards for fiscal year (FY) 2017 for the CSP Grants to State Entities program. This document clarifies the Department's interpretation of section 4303(e)(1) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA); corrects the agency contact information and the types of activities a State entity may carry out directly or through grants, contracts, or cooperative agreements; and extends the deadlines for transmittal of applications and intergovernmental review.

DATES:

Deadline for Transmittal of Applications: May 18, 2017.

Deadline for Intergovernmental Review: July 17, 2017.

FOR FURTHER INFORMATION CONTACT: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818, or by email: *kathryn.meeley@ed.gov.*

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

SUPPLEMENTARY INFORMATION: On March 27, 2017, we published in the **Federal Register** (82 FR 15196) a notice inviting applications for new awards for FY 2017 for the CSP Grants to State Entities program. We are clarifying the Department's interpretation of section 4303(e)(1) of the ESEA; correcting the agency contact information; and extending the deadlines for transmittal of applications and intergovernmental review to May 18, 2017 and July 17, 2017, respectively. In addition, we are correcting the statement regarding the types of activities a State entity may carry out under this program directly or through grants, contracts, or cooperative agreements (*i.e.,* providing technical assistance and working with authorized public chartering agencies to improve authorizing quality).

Section 4303(b)(2) authorizes State entities to ''provide technical assistance to eligible applicants and authorized public chartering agencies'' and to ''work with authorized public chartering agencies in the State to improve authorizing quality.'' This correction clarifies that a State entity may carry out the technical assistance and authorizing quality improvement activities specified in section 4303(b)(2) of the ESEA directly or through grants, contracts, or cooperative agreements.

All other requirements and conditions stated in the notice inviting applications remain the same.

Interpretation

On page 15201, in the left column, in the second paragraph of the section entitled ''Eligible Applicants,'' we clarify the statement, ''Under section 4303(e)(1) of the ESEA, no State entity may receive a grant under this program for use in a State in which a State entity is currently using a grant received under this program.'' Because the FY 2017 CSP Grants to State Entities competition is the first such competition under the newly reauthorized CSP, all State entities, including State educational agencies (SEAs), in all States are eligible to apply for a grant, even if the State entity (including the SEA) is located in a State in which the SEA is currently using a grant awarded prior to FY 2017 under the previous authorization of the CSP. However, no applicant may receive a new award to conduct the same activities that are approved under an existing active grant; therefore, applications for new awards that are submitted by State entities located in States where the SEA has an active grant awarded prior to FY 2017 under the previous authorization of the CSP should propose to conduct activities that are outside the scope of the active grant.

Corrections

In FR Doc. No. 2017–06017, in the **Federal Register** of March 27, 2017 (82 FR 15196), we make the following corrections:

(a) On page 15196, in the middle column, after the words ''Deadline for Transmittal of Applications'', we remove the date ''May 11, 2017'' and replace it with the date ''May 18, 2017''.

(b) On page 15196, in the middle column, after the words ''Deadline for Intergovernmental Review'', we remove the date ''July 10, 2017'' and replace it with the date ''July 17, 2017''.

(c) On page 15202, in the first column, after the words ''Deadline for Transmittal of Applications'', we remove the date ''May 11, 2017'' and replace it with the date ''May 18, 2017''.

(d) On page 15202, in the first column, after the words ''Deadline for Intergovernmental Review'', we remove the date ''July 10, 2017'' and replace it with the date ''July 17, 2017''.

(e) On page 15202, in the middle column, in the last sentence of the first paragraph in the section entitled ''Funding Restrictions'', we replace the phrase ''activities authorized under this program'' with ''activities authorized under section 4303(b)(2) of the ESEA''.

(f) On page 15207, in the middle column, after the heading ''VII. Agency Contact'', we add the following contact information:

FOR FURTHER INFORMATION CONTACT: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818, or by email: *kathryn.meeley@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

All other requirements and conditions stated in the notice inviting applications remain the same.

Program Authority: Title IV, Part C of the ESEA (20 U.S.C. 7221–7221j).

Accessible Format: Individuals with disabilities can obtain this document

and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

Dated: April 20, 2017.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2017–08362 Filed 4–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–1–000]

Commission Information Collection Activities; Comment Request for Generic Clearance for the Collection of Qualitative Feedback on Commission Service Delivery

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Comment request.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the Federal Energy Regulatory Commission (the Commission or FERC) is coordinating the development of the proposed Generic Information Collection Request (ICR), FERC–153, Generic Clearance for the Collection of Qualitative Feedback on Commission Service Delivery, for approval under the Paperwork Reduction Act (PRA).[1] This notice announces that FERC intends to submit this collection to Office of Management and Budget (OMB) for approval and solicits comments on specific aspects for the proposed information collection. Previously, the Commission published a 60-day notice in the **Federal Register** (81 FR 70402, 10/12/2016) and received no comments.

The Commission also published a 30-day notice in the **Federal Register** (82 FR 835, 1/4/2017). This 30-day notice revises the burden estimate for the generic clearance. Details of the revised burden are illustrated in the ''*Estimate of Annual Burden*'' section of this notice.

DATES: Comments on the collection of information are due by May 25, 2017.

ADDRESSES: Comments filed with OMB, identified by the information collection number FERC–153, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–0710.

A copy of the comments should also be sent to the Commission, in Docket No. IC17–1–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–153, Generic Clearance for the Collection of Qualitative Feedback on Commission Service Delivery.

OMB Control No.: To be determined.

Type of Request: New generic information collection.

Abstract: The proposed information collection provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner. By qualitative feedback, we mean data that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. This collection will allow for ongoing, collaborative and actionable communications between FERC and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Commission's services will be unavailable.

The Commission will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the Commission (if released, the Commission must indicate the qualitative nature of the information);

[1] 44 U.S.C. 3501 et. seq.

• Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

• Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study.

As a general matter, this information collection will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection is subject to the PRA. The Commission generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information which does not display a valid OMB Control Number. See 5 CFR 1320. OMB authorization for an information collection cannot be for more than three years without renewal.

Type of Respondents/Affected Public: Individuals and households; Businesses or other for-profit and not-for-profit organizations; State, Local, or Tribal government.

Estimate of Annual Burden: [2] Based on additional information, the Commission is revising its estimates for the annual public reporting burden and cost for the information collection.[3]

ESTIMATED ANNUAL BURDEN FOR GENERIC CLEARANCE

	Number of respondents	Number of responses per respondent	Total number of responses	Average burden minutes per response	Total burden hours
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
Generic Clearance	27,000	1	27,000	10	[4]4,500

[4] 4,500 hours = 270,000 minutes.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 19, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08333 Filed 4–24–17; 8:45 am]

BILLING CODE 6717–01–P

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

[3] The annual estimates are being revised. The number of respondents changed from 15,000 to 27,000. The total number of responses changed from 15,000 to 27,000. The average burden minutes per response changed from 6 minutes to 10 minutes. The total burden hours changed from 1,500 hours to 4,500 hours.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–407–002.

Applicants: National Fuel Gas Supply Corporation.

Description: National Fuel Gas Supply Corporation submits tariff filing per 154.205(b): Fuel Tracker Amended-Supply (Effective 06/01/17) to be effective 6/1/2017.

Filed Date: 04/13/2017.

Accession Number: 20170413–5273.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, April 25, 2017.

Docket Numbers: RP17–623–001.

Applicants: Texas Eastern Transmission, LP.

Description: Texas Eastern Transmission, LP submits tariff filing per 154.205(b): Errata Filing for Updates to Cashout Mechanisms to be effective 5/1/2017.

Filed Date: 04/13/2017.

Accession Number: 20170413–5232.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, April 25, 2017.

Docket Numbers: RP17–654–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.403: SS–2 Inventory Adjustment (2017) to be effective 5/1/2017.

Filed Date: 04/13/2017.

Accession Number: 20170413–5011.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, April 25, 2017.

Docket Numbers: RP17–655–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rates—Colonial Gas to BBPC—793649 & 793651 to be effective 5/1/2017.

Filed Date: 04/13/2017.

Accession Number: 20170413–5068.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, April 25, 2017.

Docket Numbers: RP17–656–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.203: Notice Regarding Non-Jurisdictional Gathering Facilities (F–1157 F–665 et al).

Filed Date: 04/13/2017.

Accession Number: 20170413–5307.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, April 25, 2017.

Docket Numbers: RP17–657–000.

Applicants: TransCanada Power Marketing Ltd,TC Ironwood LLC.

Description: Joint Petition for Limited Waiver of TransCanada Power Marketing Ltd. and TC Ironwood, LLC and Request for Expedited Action.

Filed Date: 04/14/2017.

Accession Number: 20170414–5159.

Comment Date: 5:00 p.m. Eastern Time on Friday, April 21, 2017.

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 17, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08263 Filed 4–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–661–000.

Applicants: Centra Pipelines Minnesota Inc.

Description: Centra Pipelines Minnesota Inc. submits tariff filing per 154.204: Updated Shipper Index April 2017 to be effective 6/1/2017.

Filed Date: 04/18/2017.

Accession Number: 20170418–5233.

Comment Date: 5:00 p.m. Eastern Time on Monday, May 01, 2017.

Docket Numbers: RP17–662–000.

Applicants: Cameron Interstate Pipeline, LLC.

Description: Cameron Interstate Pipeline, LLC submits tariff filing per 154.204: Cameron Interstate Pipeline Off-System Capacity Tariff Filing to be effective 5/19/2017.

Filed Date: 04/18/2017.

Accession Number: 20170418–5253.

Comment Date: 5:00 p.m. Eastern Time on Monday, May 01, 2017.

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 19, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08335 Filed 4–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2146–215]

Alabama Power Company; Notice of Application Accepted For Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Capacity Amendment of License.

b. *Project No:* P–2146–215.

c. *Date Filed:* February 17, 2017.

d. *Applicant:* Alabama Power Company (Alabama Power).

e. *Name of Project:* Coosa River Project.

f. *Location:* The project is located on the Coosa River, in Coosa, Chilton, and Elmore counties, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* James F. Crew, Alabama Power Company, 600 North 18th Street, P.O. Box 2641, Birmingham, AL 35291–8180, (205) 257–4265.

i. *FERC Contact:* Zeena Aljibury, (202) 502–6065, *zeena.aljibury@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* May 1, 2017.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2146–215.

k. *Description of Request:* Alabama Power requests approval to modify Unit 2 at the Jordan Development to address significant maintenance needs and to improve power and efficiency. The proposed scope of work for Unit 2 includes complete turbine replacement, wicket gate replacement, governor and servomotor system replacement, turbine and thrust bearing refurbishment, and

related component replacement. Alabama Power states the turbine replacement is not expected to result in an increase to the total rated capacity or the maximum discharge of the unit at rated conditions. Alabama Power notes that project operations will not change, and refurbishment will not include any structural changes to the project facilities.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits (P–2146) in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works that are the subject of the license amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: April 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08265 Filed 4–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–626–001.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.205(b): Amendment to Filing in RP17–626–000 to be effective 4/1/2017.

Filed Date: 04/17/2017.

Accession Number: 20170417–5133.

Comment Date: 5:00 p.m. Eastern Time on Monday, May 1, 2017.

Docket Numbers: RP17–658–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Amendment to Neg Rate Agmt (Pivotal 34691–14) to be effective 4/17/2017.

Filed Date: 04/17/2017.

Accession Number: 20170417–5171.

Comment Date: 5:00 p.m. Eastern Time on Monday, May 1, 2017.

Docket Numbers: RP17–659–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.203: Notice Regarding Non-Jurisdictional Gathering Facilities (F–543 W–4672 W–4665).

Filed Date: 04/17/2017.

Accession Number: 20170417–5186.

Comment Date: 5:00 p.m. Eastern Time on Monday, May 1, 2017.

Docket Numbers: RP17–660–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.203: Notice Regarding Non-Jurisdictional Gathering Facilties (F–641 H–10151).

Filed Date: 04/17/2017.

Accession Number: 20170417–5187.

Comment Date: 5:00 p.m. Eastern Time on Monday, May 1, 2017.

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 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08273 Filed 4–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt

off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP16–22–000	4–5–2017	Paul Tarr.
2. CP16–22–000	4–11–2017	Paul Tarr.
3. CP15–554–000	4–11–2017	Hylah H. Boyd.
Exempt:		
1. CP15–554–000, CP15–554–001, CP15–555–000	4–5–2017	County of Augusta, Virginia, Board of Supervisors.
2. CP15–558–000	4–5–2017	County of Bucks, Pennsylvania, Board of Commissioners.
3. CP14–96–000	4–5–2017	U.S. House Representative, Stephen F. Lynch.
4. CP14–529–000	4–12–2017	Massachusetts Department of Conservation, and Recreation.
5. CP15–554–000, CP15–554–001, CP15–555–000	4–13–2017	Highland County, Virginia, Board of Supervisors.
6. CP16–38–000	4–14–2017	FERC Staff.[1]

[1] Memo dated April 14, 2017 with Shirley Wilkins.

Dated: April 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08268 Filed 4–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–66–000]

California Department of Water Resources State Water Project, the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California, and the California Public Utilities Commission v. Trans Bay Cable LLC; Notice of Complaint

Take notice that on April 18, 2017, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824e and 825e, and Rules 206 and 212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and 385.212, the California Department of Water Resources State Water Project, the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California, and the California Public Utilities Commission (Complainant) filed a formal complaint against Trans Bay Cable LLC (Respondent) alleging that, Respondent's transmission rates are unjust and unreasonable, all as more fully explained in the complaint.

Complainants certify that copies of the complaint were served on corporate representatives and legal counsel for respondent.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 8, 2017.

Dated: April 19, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08332 Filed 4–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2307–078]

Alaska Electric Light & Power Company; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New license.

b. *Project No.:* 2307–078.

c. *Date filed:* August 31, 2016.

d. *Applicant:* Alaska Electric Power & Light Company.

e. *Name of Project:* Salmon and Annex Creek Hydroelectric Project.

f. *Location:* On Salmon Creek and Annex Creek in the City and Borough of Juneau, Alaska. The project occupies approximately 648.45 acres of federal lands located in the Tongass National Forest administered by the US Forest Service and operates under an existing license issued in 1988.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Christy Yearous, Project Manager, Alaska Electric light & Power Company, 5601 Tonsgard Ct., Juneau, AK 99801–7201; email *Christy.Yearous@aelp.com*

i. *FERC Contact:* Suzanne Novak at (202) 502–6665; or email at *Suzanne.novak@ferc.gov*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice. The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2307–078. The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is ready for environmental analysis.

l. *The existing Salmon Creek Project consists of two developments:* The Salmon Creek Development and the Annex Creek Development. The Salmon Creek Development consists of the following existing facilities: (1) The 165-acre Salmon Creek Reservoir impounded by a 648-foot-long, 186-foot-high dam, with ten 5-foot-wide spillway bays; (2) a 1,500-foot-long canal used to periodically divert water from tributary streams into Salmon Creek Reservoir; (3) a 10-foot-wide, 11-foot high intake structure with trashracks; (4) a 3-foot-diameter conduit that conveys flows from the dam to the project valvehouse located immediately downstream; (5) a 4,290-foot-long, 3.3- to -2-foot-diameter penstock that conveys flows from the valvehouse to the decommissioned Upper Powerhouse where it connects to an 11,303-foot-long, 3.5-foot-diameter penstock that narrows to a 2.5-foot-diameter immediately before entering the Lower Powerhouse; (6) the 57-foot-long, 44-foot-wide, 32-foot-high Lower Powerhouse, which contains a 6.9-megawatt (MW) impulse turbine; (7) an approximately 250-foot-long tailrace that flows underneath Egan Drive and empties into a pond adjacent to the Douglas Island Pink and Chum, Inc. hatchery; and (8) appurtenant facilities. The Annex Creek Development consists of the following existing facilities: (1) the 264-acre Upper Annex Lake, impounded by a 118-foot-long, 20-foot-high dam with a 57-foot-wide spillway that discharges flow in excess of those needed for generation into the 27-acre natural Lower Annex Lake via a 0.15-mile-long outlet stream; (2) a 61-foot-long, 6-foot-high timber saddle dam located just west of the main dam; (3) a lake tap intake on Upper Annex Lake; (4) a 1,433-foot-long power tunnel that narrows from 8 feet wide and 8 feet high at the intake to a 6.5-diameter tunnel at the project valvehouse; (5) the project valvehouse containing the penstock intake; (6) the 7,097-foot-long, 3.5-foot-diameter penstock that narrows to a 2.8-foot-diameter before it bifurcates at the powerhouse to provide flows to two impulse turbine units with a total installed capacity of 3.675 MW; (7) the 67-foot-long, 48-foot-wide, 40-foot-high powerhouse; (8) a tailrace that discharges flows over a weir into Taku Inlet; (9) a 12.5-mile-long, 23-kilovolt (kV) transmission line that conveys power to the Than substation; and (10) appurtenant facilities. The project currently operates to provide base load generation with an estimated annual output of 53.8 gigawatt-hours. No changes to project operation or facilities are proposed.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above. All filings must (1) bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms, and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *A license applicant must file no later than 60 days following the date of issuance of this notice:* (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

o. Public notice of the filing of the initial development application, which has already been given, established the

due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

Dated: April 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08266 Filed 4–24–17; 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: ER13–1504–004; ER10–2861–003; ER10–2866–003; ER10–2862–005; ER11–4625–005; ER13–2169–004; ER11–3634–005; ER10–2867–004; ER16–711–005.

Applicants: SWG Arapahoe, LLC, Fountain Valley Power, L.L.C., SWG Colorado, LLC, Harbor Cogeneration Company, LLC, Colton Power L.P., Goal Line L.P., KES Kingsburg, L.P., Valencia Power, LLC, Pio Pico Energy Center, LLC.

Description: Notice of Non-Material Change in Status of SWG Arapahoe, LLC, et. al.

Filed Date: 4/19/17.

Accession Number: 20170419–5157.

Comments Due: 5 p.m. ET 5/10/17.

Docket Numbers: ER17–1378–001.

Applicants: Just Energy Solutions Inc.

Description: Tariff Amendment: Supplement to Notice of Succession to Market-Based Rate Tariff to be effective 4/4/2017.

Filed Date: 4/19/17.

Accession Number: 20170419–5091.

Comments Due: 5 p.m. ET 5/10/17.

Docket Numbers: ER17–1431–000.

Applicants: New England Power Company.

Description: § 205(d) Rate Filing: New England Power Cost Reimbursement Agreement with Wynn MA to be effective 3/24/2017.

Filed Date: 4/18/17.

Accession Number: 20170418–5314.

Comments Due: 5 p.m. ET 5/9/17.

Docket Numbers: ER17–1432–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2017–04–18 GIDNUCR Amendment to be effective 6/18/2017.

Filed Date: 4/18/17.

Accession Number: 20170418–5327.

Comments Due: 5 p.m. ET 5/9/17.

Docket Numbers: ER17–1433–000.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Compliance Filing RE: Commission's Order Sect 206 Investigation in EL14–37–000 to be effective 1/19/2017.

Filed Date: 4/18/17.

Accession Number: 20170418–5330.

Comments Due: 5 p.m. ET 5/9/17.

Docket Numbers: ER17–1434–000.

Applicants: MATL LLP.

Description: Tariff Cancellation: Refiled Cancellation of ColumbiaGrid Agreement to be effective 4/20/2017.

Filed Date: 4/19/17.

Accession Number: 20170419–5087.

Comments Due: 5 p.m. ET 5/10/17.

Docket Numbers: ER17–1435–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Amended GIA NI-Oxnard CHP Project SA No. 872 to be effective 6/19/2017.

Filed Date: 4/19/17.

Accession Number: 20170419–5090.

Comments Due: 5 p.m. ET 5/10/17.

Docket Numbers: ER17–1436–000.

Applicants: MATL LLP.

Description: Tariff Cancellation: Cancel Concurrence Avista to be effective 4/20/2017.

Filed Date: 4/19/17.

Accession Number: 20170419–5119.

Comments Due: 5 p.m. ET 5/10/17.

Docket Numbers: ER17–1437–000.

Applicants: Puget Sound Energy, Inc.

Description: Tariff Cancellation: Notice of Cancellation of Service Agreement Nos. 687, 688, and 689 to be effective 3/1/2017.

Filed Date: 4/19/17.

Accession Number: 20170419–5142.

Comments Due: 5 p.m. ET 5/10/17.

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 19, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08334 Filed 4–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–79–000]

Florida Gas Transmission Company L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Wekiva Parkway Relocation Project, and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Wekiva Parkway Relocation Project involving construction and operation of facilities by Florida Gas Transmission Company (Florida Gas) in Land and Seminole Counties, Florida. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before May 18, 2017.

If you sent comments on this project to the Commission before the opening of this docket on March 16, 2017, you will need to file those comments in Docket No. CP17–79–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should

notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Florida Gas provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister*.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number CP17–79–000 with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

Florida Gas proposes to abandon in place and relocate 4.60 miles of its 12-inch-diameter Sanford Lateral pipeline and 3.16 miles of its 26-inch-diameter Sanford Lateral Loop pipeline in Lake and Seminole Counties, Florida. The Project intent is to resolve conflicts between the existing pipeline facilities and construction of the Florida Department of Transportation's new State Road (SR) 429, Wekiva Parkway. Florida Gas proposes to relocate the affected pipeline sections to a new adjacent right of way, abutting the north side of existing SR 429 right of way. Florida Gas also proposes to install one 12-inch-diameter lateral line valve on the relocated 12-inch-diameter Sanford Lateral, which would be within the proposed permanent right-of-way.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 94.91 acres of land for the pipeline relocation. Following construction, Florida Gas would maintain about 29.71 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, no agency has expressed intention to participate as a cooperating agency in the preparation of the EA.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. *If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).*

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP17–79). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: April 18, 2017.

Kimberly D. Bose,

Secretary.

Appendix 1

BILLING CODE 6717–01–P

EXHIBIT F
Page 1 of 1

Florida Gas Transmission Company, LLC

Wekiva Parkway Relocation Project

General Location Map

Appendix 2

INFORMATION REQUEST

Wekiva Parkway Relocation Project

Name_____

Agency_____

Address_____

City_____**State**_____ **Zip Code**_____

☐ **Please send me a paper copy of the published NEPA document**

☐ **Please remove my name from the mailing list**

FROM_____

_____

_____

_____

ATTN: OEP - Gas 2, PJ - 11.2
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

CP17-79-000 Wekiva Parkway Relocation
***Project* Staple or Tape Here**

[FR Doc. 2017–08267 Filed 4–24–17; 8:45 am]
BILLING CODE 6717–01–C

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR17–20–002.
Applicants: Atmos Pipeline–Texas.
Description: Tariff filing per 284.123(b),(e)/: Atmos Pipeline–Texas Further Revisions to Statement of Operating Con—Clone to be effective 4/11/2017; Filing Type: 1000.
Filed Date: 4/11/17.
Accession Number: 201704115248.
Comments/Protests Due: 5 p.m. ET 5/2/17.

Docket Numbers: RP17–651–000.
Applicants: ARP Production Company, LLC, Tenaska Marketing Ventures.
Description: Joint Petition of ARP Production Company, LLC and Tenaska Marketing Ventures for Limited Waiver of Capacity Release Tariff Provision.
Filed Date: 04/12/2017.
Accession Number: 20170412–5195.
Comment Date: 5:00 p.m. Eastern Time on Monday, April 24, 2017.

Docket Numbers: RP17–652–000
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Update Filing to be effective 5/12/2017.
Filed Date: 04/12/2017.
Accession Number: 20170412–5249.
Comment Date: 5:00 p.m. Eastern Time on Monday, April 24, 2017.

Docket Numbers: RP17–653–000.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits tariff filing per 154.204: 2017 Clean-Up to be effective 5/13/2017.
Filed Date: 04/12/2017.
Accession Number: 20170412–5275.
Comment Date: 5:00 p.m. Eastern Time on Monday, April 24, 2017.

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 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08269 Filed 4–24–17; 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 exempt wholesale generator filings:

Docket Numbers: EG17–98–000.
Applicants: The NRG Companies.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Buckthorn Westex, LLC.
Filed Date: 4/18/17.
Accession Number: 20170418–5172.
Comments Due: 5 p.m. ET 5/9/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2633–032; ER10–2570–032; ER10–2717–032; ER10–3140–032.
Applicants: Birchwood Power Partners, L.P., Shady Hills Power Company, L.L.C., EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC.
Description: Notice of Non-Material Change in Status of the GE Companies.
Filed Date: 4/17/17.
Accession Number: 20170417–5301.
Comments Due: 5 p.m. ET 5/8/17.

Docket Numbers: ER12–1470–008.
Applicants: Energia Sierra Juarez U.S., LLC.
Description: Notice of Non-Material Change in Status of Energia Sierra Juarez U.S., LLC.
Filed Date: 4/18/17.
Accession Number: 20170418–5180.
Comments Due: 5 p.m. ET 5/9/17.

Docket Numbers: ER17–1217–000.
Applicants: Total Gas & Power North America, Inc.
Description: Supplement to March 16, 2017 Total Gas & Power North America, Inc. tariff filing.
Filed Date: 4/18/17.
Accession Number: 20170418–5088.
Comments Due: 5 p.m. ET 4/28/17.

Docket Numbers: ER17–1394–000.
Applicants: 83WI 8me, LLC.
Description: Supplement to April 7, 2017 83WI 8me, LLC tariff filing (Substitute Market Power Screen Attachments).
Filed Date: 4/17/17.
Accession Number: 20170417–5334.
Comments Due: 5 p.m. ET 5/8/17.

Docket Numbers: ER17–1429–000.
Applicants: Monongahela Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Monongahela submits Operating and Interconnection Agreement No. 4673 with ODEC to be effective 4/19/2017.
Filed Date: 4/18/17.
Accession Number: 20170418–5171.
Comments Due: 5 p.m. ET 5/9/17.

Docket Numbers: ER17–1430–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Errata to Compliance Filing in Docket No. ER17–335–001 to be effective 1/9/2017.
Filed Date: 4/18/17.
Accession Number: 20170418–5289.
Comments Due: 5 p.m. ET 5/9/17.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH17–13–000.
Applicants: ArcLight Capital Holdings, LLC.
Description: ArcLight Capital Holdings, LLC submits FERC 65–A Exemption Notification.
Filed Date: 4/17/17.
Accession Number: 20170417–5305.
Comments Due: 5 p.m. ET 5/8/17.

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 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–08262 Filed 4–24–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9961–64–OAR]

Meeting of the Mobile Sources Technical Review Subcommittee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act notice is hereby given that the Mobile Sources Technical Review Subcommittee (MSTRS) will meet on May 31, 2017. The MSTRS is a subcommittee under the Clean Air Act Advisory Committee. This is an open meeting. The meeting will include discussion of current topics and presentations about activities being conducted by EPA's Office of Transportation and Air Quality. The preliminary agenda for the meeting and any notices about change in venue will be posted on the Subcommittee's Web site: *http://www2.epa.gov/caaac/mobile-sources-technical-review-subcommittee-mstrs-caaac.* MSTRS listserv subscribers will receive notification when the agenda is available on the Subcommittee Web site. To subscribe to the MSTRS listserv, send an email to *mccubbin.courtney@epa.gov.*

DATES: Wednesday, May 31, 2017 from 9:00 a.m. to 4:30 p.m. Registration begins at 8:30 a.m.

ADDRESSES: The meeting is currently scheduled to be held at Washington Marriott Metro Center, 775 12th Street NW., Washington, DC 20005. However, this date and location are subject to change and interested parties should monitor the Subcommittee Web site (above) for the latest logistical information.

FOR FURTHER INFORMATION CONTACT: Courtney McCubbin, Designated Federal Officer, Transportation and Climate Division, Mailcode 6406A, U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460; Ph: 202–564–2436; email: *mccubbin.courtney@epa.gov.*

Background on the work of the Subcommittee is available at: *https://www.epa.gov/caaac/mobile-sources-technical-review-subcommittee-mstrs-caaac* Individuals or organizations wishing to provide comments to the Subcommittee should submit them to Ms. McCubbin at the address above by May 17, 2017. The Subcommittee expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

SUPPLEMENTARY INFORMATION: During the meeting, the Subcommittee may also hear progress reports from some of its workgroups as well as updates and announcements on activities of general interest to attendees.

For Individuals With Disabilities: For information on access or services for individuals with disabilities, please contact Ms. McCubbin (see above). To request accommodation of a disability, please contact Ms. McCubbin, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: April 5, 2017.

Christopher Grundler,

Office Director, Office of Transportation and Air Quality.

[FR Doc. 2017–08254 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9960–17–Region 6]

Draft NPDES General Permit for Discharges From the Oil and Gas Extraction Point Source Category to Coastal Waters in Texas (TXG330000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal of NPDES general permit renewal.

SUMMARY: EPA Region 6 today proposes a National Pollutant Discharge Elimination System (NPDES) general permit regulating discharges from oil and gas wells in the Coastal Subcategory in Texas which discharge into coastal waters in Texas.

DATES: Comments must be received by June 9, 2017.

ADDRESSES: *Comment:* Submit your comments, identified by Docket ID No. EPA–R06–OW–2017–0160 to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ms. Evelyn Rosborough, Region 6, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733. Telephone: (214) 665–7515.

A complete draft permit and a fact sheet more fully explaining the proposal may be obtained online from the *Federal eRulemaking Portal* accessing the Docket listed above or from Ms. Rosborough. In addition, the Agency's current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Rosborough 24 hours advance notice.

SUPPLEMENTARY INFORMATION: The permit prohibits the discharge of drilling fluid, drill cuttings, produced sand and well treatment, completion and workover fluids. Discharges of dewatering effluents from reserve pits are also proposed to be prohibited. Produced water discharges are prohibited. The discharge of deck drainage, formation test fluids, sanitary waste, domestic waste and miscellaneous discharges is authorized. More stringent requirements are proposed to regulate discharges to water quality-impaired waterbodies. Pursuant to the section 316(b) of the Clean Water Act (CWA), monitoring requirements for cooling water intake structures for new facilities are also proposed in this permit. Proposed changes include clarification of miscellaneous discharges and electronic reporting requirements. Rationales for those changes are described in the fact sheet. To obtain discharge authorization, operators of such facilities must submit a new Notice of Intent (NOI). To determine whether your facility, company, business, organization, etc. is regulated by this action, you should carefully examine the applicability criteria in Part I, Section A.1 of this permit.

If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Other Legal Requirements

State certification under section 401 of the CWA; consistency with the Texas Coastal Management Program; and

compliance with National Environmental Policy Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Historic Preservation Act, Paperwork Reduction Act, and Regulatory Flexibility Act requirements are discussed in the fact sheet to the proposed permit.

Dated: March 2, 2017.

William K. Honker,

Director, Water Division, EPA Region 6.

[FR Doc. 2017–08255 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9960–18–Region 6]

Proposed Issuance of the NPDES General Permit for Discharges From the Oil and Gas Extraction Point Source Category—Stripper Subcategory in Texas (TXG350000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal of NPDES General Permit Renewal.

SUMMARY: EPA Region 6 today proposes a National Pollutant Discharge Elimination System (NPDES) general permit regulating discharges from oil and gas wells in the Stripper Subcategory which discharge into waters in Texas.

DATES: Comments must be received by June 9, 2017.

ADDRESSES: *Comment:* Submit your comments, identified by Docket ID No. EPA–R06–OW–2017–0161 to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ms. Evelyn Rosborough, Region 6, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733. Telephone: (214) 665–7515.

A complete draft permit and a fact sheet more fully explaining the proposal may be obtained online from the *Federal eRulemaking Portal* accessing the Docket listed above or from Ms. Rosborough. In addition, the Agency's current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Rosborough 24 hours advance notice.

SUPPLEMENTARY INFORMATION: The current permit authorizes discharges of produced water from wells in the Stripper Subcategory located east of the 98th meridian whose produced water comes from the Carrizo/Wilcox, Reklaw or Bartosh formations in Texas as authorized by the expiring permit. EPA is soliciting comments whether to expand the permit coverage to include all stripper wells in Texas. The permit proposes to authorize discharges of produced water, well field drainage, and chemical-free miscellaneous discharges. More stringent requirements are proposed to regulate discharges to water quality-impaired waterbodies. Proposed changes include (1) removal of authorization for sanitary waste, domestic waste, and miscellaneous discharges which are unrelated to stripper well operations; (2) removal of authorization of direct discharge to coastal waters; (3) revision of the toxicity monitoring requirement and removal of the ion-imbalance exemption; (4) the addition of electronic filing requirements for Notices of Intent (NOIs); and (5) the addition of a ''sufficiently sensitive method'' requirement for analysis. Rationales for those changes are described in the Fact Sheet. To obtain discharge authorization, operators of such facilities must submit a new NOI. To determine whether your facility, company, business, organization, etc. is regulated by this action, you should carefully examine the applicability criteria in Part I, Section A.1 of this permit. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Other Legal Requirements

State certification under section 401 of the CWA; compliance with Endangered Species Act, Historic Preservation Act, Paperwork Reduction Act, and Regulatory Flexibility Act requirements are discussed in the fact sheet to the proposed permit.

Dated: March 2, 2017.

William K. Honker,

Director, Water Division, EPA Region 6.

[FR Doc. 2017–08256 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0511; FRL–9959–33]

Certain New Chemicals or Significant New Uses; Statements of Findings for December 2016

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from December 1, 2016 to December 31, 2016.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Greg Schweer, Chemical Control Divison (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 202–564–8469; email address: *schweer.greg@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not

attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

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

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0511, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from December 1, 2016 to December 31, 2016.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Web site link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA Case Number: J–16–0033; *Chemical identity: Saccharomyces cerevisiae* modified to express glucoamylase activity (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-37.*

EPA Case Number: J–16–0034; *Chemical identity: Saccharomyces cerevisiae* modified (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-36.*

EPA Case Number: J–16–0035; *Chemical identity: Saccharomyces cerevisiae* modified (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-34.*

EPA Case Number: J–16–0036—0041; *Chemical identity:* Biofuel producing modified microorganism(s), with chromosomally-borne modifications (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-35.*

EPA Case Number: P–17–0009; *Chemical identity:* Depolymerized waste plastics (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-38.*

EPA Case Number: P–17–0016; *Chemical identity:* Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, peroxide initiated (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-39.*

EPA Case Number: P–17–0017; *Chemical identity:* Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, peroxide initiated (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-39.*

EPA Case Number: P–17–0018; *Chemical identity:* Hydroxyl alkyl acrylate ester, polymer with acrylates,

aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, Azobis [aliphatic nitrile] initiated (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-39.*

EPA Case Number: P–17–0019; *Chemical identity:* Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, peroxide initiated (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-39.*

EPA Case Number: P–17–0020; *Chemical identity:* Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, peroxide initiated (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-39.*

EPA Case Number: P–17–0021; *Chemical identity:* Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, Azobis [aliphatic nitrile] initiated (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-39.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: February 13, 2017.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–08250 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0141; FRL–9960–36]

Certain New Chemicals or Significant New Uses; Statements of Findings for February 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from January 1, 2017 to February 28, 2017.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Greg Schweer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 202–564–8469; email address: *schweer.greg@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

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

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0141, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from January 1, 2017 to February 28, 2017.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of

a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Web site link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA Case Number: J–17–0001–0005; *Chemical identity: Saccharomyces cerevisiae* modified (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-40.*

EPA Case Number: J–17–0006; *Chemical identity: Saccharomyces cerevisiae* modified (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-42.*

EPA Case Number: P–17–0144; *Chemical identity:* Amines, C36-alkylenedi-, polymers with octahydro-4,7-methano-1H-indenedimethanamine and pyromellitic dianhydride, maleated (CASRN: 2020378–57–6); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-41.*

EPA Case Number: P–17–0158; *Chemical identity:* Perylene bisimide (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-43.*

EPA Case Number: P–17–0160; *Chemical identity:* 2-Propenoic acid, alkyl-, alkyl ester, polymer with alkyl 2-propenoate, dialkyloxoalkyl-2-propenamide and alkyl 2-propenoate (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-44.*

EPA Case Number: P–17–0161; *Chemical identity:* 2-Propenoic acid, alkyl-, alkyl ester, polymer with alkyl 2-propenoate, dialkyloxoalkyl-2-propenamide, ethenylbenzene and alkyl 2-propenoate (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-44.*

EPA Case Number: P–17–0182; *Chemical identity:* Alkyldioic acid, polymer with 2,2-dimethyl-1,3-propanediol, heteropolycyclic carboxy acid anhydride and 1,3-propanediol (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-45.*

EPA Case Number: P–17–0185; *Chemical identity:* Fatty acids, C18-unsatd., dimers, hydrogenated, polymers with C18-unsatd. fatty acid trimers, alkylenediamine and hydroxyalkanoic acid (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-46.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: March 29, 2017.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–08246 Filed 4–24–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

April 21, 2017.

TIME AND DATE: 10:00 a.m., Friday, June 30, 2017.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Sims Crane, Inc.,* Docket No. SE 2015–315. (Issues include whether the Judge erred in interpreting the standard providing that miners must stay clear of the suspended loads of a crane.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD, Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO ARGUMENT: 1–(866) 867–4769, Passcode: 129–339.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2017–08415 Filed 4–21–17; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

[BAC 6735–01]

Sunshine Act Notice

April 21, 2017.

TIME AND DATE: 10:00 a.m., Thursday, June 29, 2017.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the matter *Secretary of Labor* v. *Sims Crane, Inc.,* Docket No. SE 2015–315. (Issues include whether the Judge erred in interpreting the standard providing that miners must stay clear of the suspended loads of a crane.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO ARGUMENT: 1–(866) 867–4769, Passcode: 129–339.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2017–08414 Filed 4–21–17; 11:15 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 10, 2017.

A. *Federal Reserve Bank of Kansas City* (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The Deterding Irrevocable Trust, Wichita, Kansas (the DIT);* Jane A. Deterding, Goddard, Kansas, as co-trustee of the DIT; Amy S. Keeny, Wichita, Kansas, as co-trustee of the DIT; Mark Keeny, as co-trustee of the Mark D. Keeny Revocable Trust (restated) and the Amy S. Keeny Revocable (restated), all of Wichita, Kansas; and the Jane A. Deterding Revocable Trust, Jane A. Deterding, trustee; to retain voting shares of King Bancshares, Inc., Kingman, Kansas (Company). Citizens Bank of Kansas, Kingman, Kansas. Additionally, the Amy S. Keeny Revocable Trust (restated) and the Mark D. Keeny Revocable Trust (restated) to retain shares of the company as members of the Deterding Family Group which, acting in concert, controls Company.

Board of Governors of the Federal Reserve System, April 19, 2017.

Margaret M. Shanks,

Deputy Secretary of the Board.

[FR Doc. 2017–08277 Filed 4–24–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 19, 2017.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *Sterling Bancorp, Montebello, New York;* to acquire 100 percent of the voting shares of Astoria Financial Corporation, Lake Success, New York, and indirectly acquire Astoria Bank, Long Island City, New York, and thereby engage in extending credit and servicing loans and in operating a savings association, pursuant to section 225.28(b)(2) and (b)(4).

Board of Governors of the Federal Reserve System, April 19, 2017.

Margaret M. Shanks,

Deputy Secretary of the Board.

[FR Doc. 2017–08275 Filed 4–24–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 19, 2017.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org:*

1. *The Victory Trust, Greg A. Fisher, Trustee and the Granville/Annapolis Trust, Greg A. Fisher, Trustee, both of Villa Hills, Kentucky;* to become savings and loan holding companies by acquiring 50 percent of the outstanding shares of Victory Bancorp, Inc., Fort Mitchell, Kentucky, and thereby acquire shares of Victory Community Bank, FSB, Fort Mitchell, Kentucky.

Board of Governors of the Federal Reserve System, April 19, 2017.

Margaret M. Shanks,

Deputy Secretary of the Board.

[FR Doc. 2017–08274 Filed 4–24–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) (HOLA) and Regulation LL, (12 CFR part 238) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 238.53 of Regulation LL (12 CFR 225.53). Unless otherwise

noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 10(c)(4)(B) of the HOLA 12 U.S.C. 1467a(c)(4)(B).

Unless otherwise noted, comments regarding the notices must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 10, 2017.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *The SLHC Trust and The Mark and Pamela Okada Family Trust, and NexBank Capital, Inc., all of Dallas, Texas;* to continue to engage in the activities of (i) the acquisition of improved real estate to be held for rental and (ii) the maintenance and management of improved real estate pursuant to sections 238.53(b)(6) and (b)(8) of Regulation LL.

Board of Governors of the Federal Reserve System, April 19, 2017.

Margaret M. Shanks,

Deputy Secretary of the Board.

[FR Doc. 2017–08276 Filed 4–24–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–2066]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Certification of Identity for Freedom of Information Act and Privacy Act Requests

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 25, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–NEW and title ''Certification of Identity for Freedom of Information Act and Privacy Act Requests.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Cappezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Certification of Identity for Freedom of Information Act and Privacy Act Requests—OMB Control Number 0910—NEW

In compliance with 44 U.S.C. 3507, FDA will submit to OMB a request to review and approve a new collection of information: Certification of Identity for Freedom of Information Act and Privacy Act Requests. This new form provides the FDA with data necessary to identify an individual requesting a particular record under the Freedom of Information Act (FOIA) and the Privacy Act. The form is available at the following FDA FOIA page at: *https://www.fda.gov/RegulatoryInformation/FOI/default.htm,* although if an individual requests one, we will send it by mail or email. The FOIA grants the public a right to access Federal records not normally prepared for public distribution. The Privacy Act grants a right of access to members of the public who seek access to one's own records that are maintained in an Agency's system of records (*i.e.* the records are retrieved by that individual's name or other personal identifier). The statutes overlap, and individuals who request their own records are processed under both statutes. The Agency may need to confirm that the individual making the FOIA or Privacy Act request is indeed the same person named in the Agency records.

Members of the public who wish to access particular records will be asked for certain information: Name, citizenship status, social security number, address, date of birth, place of birth, signature, and date of signature.

In the **Federal Register** of August 4, 2016 (81 FR 51455), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

As stated in table 1, the estimates are based on the following: The number of FOIA and Privacy Act requests received by FDA each year that require a certification of identity in order for FDA to process the request. Of the 10,000 requests received per year, only a small number require a certification of identity. In some cases, the requesters provide their own certification of identity. Therefore, we have estimated the number of affected individuals at 60 per year.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
3975	60	1	60	0.17 (10 minutes)	10

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08303 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0008]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Citizen Petitions and Petitions for Stay of Action Subject to Section 505(q) of the Federal Food, Drug, and Cosmetic Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 25, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0679. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry on Citizen Petitions and Petitions for Stay of Action Subject to Section 505(q) of the Federal Food, Drug, and Cosmetic Act—OMB Control Number 0910–0679—Extension

FDA's guidance for industry entitled ''Citizen Petitions and Petitions for Stay of Action Subject to Section 505(q) of the Federal Food, Drug, and Cosmetic Act'' provides information regarding FDA's current thinking on interpreting section 914 of Title IX of the Food and Drug Administration Amendments Act (FDAAA) (Pub. L. 110–85). Section 914 of FDAAA added new section 505(q) to the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(q)) and governs certain citizen petitions and petitions for stay of Agency action that request that FDA take any form of action related to a pending application submitted under section 505(b)(2) or 505(j) of the FD&C Act. The guidance describes FDA's interpretation of section 505(q) of the FD&C Act regarding how the Agency will determine if: (1) The provisions of section 505(q) addressing the treatment of citizen petitions and petitions for stay of Agency action (collectively, petitions) apply to a particular petition and (2) a petition would delay approval of a pending abbreviated new drug application (ANDA) or a 505(b)(2) application. The guidance also describes how FDA will interpret the provisions of section 505(q) requiring that: (1) A petition includes a certification and (2) supplemental information or comments to a petition include a verification. Finally, the guidance addresses the relationship between the review of petitions and pending ANDAs and 505(b)(2) applications for which the Agency has not yet made a decision on approvability.

The Food and Drug Administration Safety and Innovation Act (FDASIA) was signed into law on July 9, 2012 (Pub. L. 112–144). Section 1135 of FDASIA amended section 505(q) of the FD&C Act in two ways. First, it shortened FDA's deadline from 180 days to 150 days for responding to petitions subject to section 505(q) of the FD&C Act. Second, it expanded the scope of section 505(q) of the FD&C Act to include certain petitions concerning applications submitted under section 351(k) of the Public Health Service Act (42 U.S.C. 262), the abbreviated pathway for the approval of biosimilar biological products. Accordingly, we are now including submissions pertaining to biosimilar biological product applications in the information collection burden estimates in this document.

Section 505(q)(1)(H) of the FD&C Act requires that citizen petitions and petitions for stay of Agency action that are subject to section 505(q) include a certification to be considered for review by FDA. Section 505(q)(1)(I) of the FD&C Act requires that supplemental information or comments to such citizen petitions and petitions for stay of Agency action include a verification to be accepted for review by FDA. The guidance sets forth the criteria the Agency will use in determining if the provisions of section 505(q) of the FD&C Act apply to a particular citizen petition or petition for stay of Agency action. The guidance states that one of the criteria for a citizen petition or petition for stay of Agency action to be subject to section 505(q) of the FD&C Act is that a related ANDA or 505(b)(2) application is pending at the time the citizen petition or petition for stay is submitted. Because petitioners or commenters may not be aware of the existence of a pending ANDA or 505(b)(2) application, the guidance recommends that all petitioners challenging the approvability of a possible ANDA or 505(b)(2) application include the certification required in section 505(q)(1)(H) of the FD&C Act and that petitioners and commenters submitting supplements or comments, respectively, to a citizen petition or petition for stay of action challenging the approvability of a possible ANDA or 505(b)(2) application include the verification required in section 505(q)(1)(I) of the FD&C Act. The guidance also recommends that if a petitioner submits a citizen petition or petition for stay of Agency action that is missing the required certification but is otherwise within the scope of section 505(q) of the FD&C Act and the petitioner would like FDA to review the citizen petition or petition for stay of Agency action, the petitioner should submit a letter withdrawing the deficient petition and submit a new petition that contains the required certification.

FDA currently has OMB approval for the collection of information entitled ''General Administrative Procedures: Citizen Petitions; Petition for Reconsideration or Stay of Action; Advisory Opinions'' (OMB control number 0910–0191). This collection of information includes, among other things: (1) The format and procedures by which an interested person may submit to FDA, in accordance with § 10.20 (21 CFR 10.20), a citizen petition requesting the Commissioner of Food and Drugs (Commissioner) to issue, amend, or revoke a regulation or order,

or to take or refrain from taking any other form of administrative action (§ 10.30(b) (21 CFR 10.30(b))); (2) the submission of written comments on a filed citizen petition (§ 10.30(d)); (3) the submission of a supplement or amendment to or a letter to withdraw a filed citizen petition (§ 10.30(g)); (4) the format and procedures by which an interested person may request, in accordance with § 10.20, the Commissioner to stay the effective date of any administrative action (§ 10.35(b) (21 CFR 10.35(b))); and (5) the submission of written comments on a filed petition for administrative stay of action (§ 10.35(c)). This information collection includes citizen petitions, petitions for administrative stay of action, comments to petitions, supplements to citizen petitions, and letters to withdraw a citizen petition, as described previously in this document, which are subject to section 505(q) of the FD&C Act and described in the guidance.

We are requesting OMB approval for the following collection of information submitted to FDA under section 505(q) of the FD&C Act and the guidance:

- The certification required under section 505(q)(1)(H) of the FD&C Act for citizen petitions that are subject to section 505(q) and/or that are challenging the approvability of a possible ANDA, 505(b)(2) application, or biosimilar biological product application. Although the submission of a certification for citizen petitions is approved under OMB control number 0910–0191, the certification would be broadened under section 505(q) of the FD&C Act and the guidance.
- The certification required under section 505(q)(1)(H) of the FD&C Act for petitions for stay of Agency action that are subject to section 505(q) and/or that are challenging the approvability of a possible ANDA, 505(b)(2) application, or biosimilar biological product application.
- The verification required under section 505(q)(1)(I) of the FD&C Act for comments to citizen petitions.
- The verification required under section 505(q)(1)(I) of the FD&C Act for comments to petitions for stay of Agency action.
- The verification required under section 505(q)(1)(I) of the FD&C Act for supplements to citizen petitions.
- Supplements to petitions for stay of Agency action.
- The verification required under section 505(q)(1)(I) of the FD&C Act for supplements to petitions for stay of Agency action.
- The letter submitted by a petitioner withdrawing a deficient petition for stay of Agency action that is missing the required certification but is otherwise within the scope of section 505(q) of the FD&C Act.

Section 505(q)(1)(B) and (C) of the FD&C Act and the guidance state that if FDA determines that a delay in approval of an ANDA, 505(b)(2) application, or biosimilar biological product application is necessary based on a petition subject to section 505(q), the applicant may submit to the petition docket clarifications or additional data to allow FDA to review the petition promptly. While we have not included a burden estimate for this provision under the instant information collection, it is included under OMB control number 0910–0001 (21 CFR 314.54, 314.94, and 314.102).

In the **Federal Register** of January 10, 2017 (82 FR 2999), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. No comments were received in response to the notice. Therefore, based on our knowledge of citizen petitions and petitions for stay of Agency action subject to section 505(q) of the FD&C Act that have been submitted to FDA, as well as our familiarity with the time needed to prepare a supplement, a certification, and a verification, we estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/FD&C Act section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Certification for citizen petitions; 505(q)(1)(H)	38	1.37	52	.5 (30 minutes)	26
Certification for petitions for stay of Agency action; 505(q)(1)(H).	3	1	3	.5 (30 minutes)	1.5
Verification for comments to citizen petitions; 505(q)(1)(I).	12	1.66	20	.5 (30 minutes)	10
Verification for comments to petitions for stay of Agency action; 505(q)(1)(I).	1	1	1	.5 (30 minutes)	.5
Verification for supplements to citizen petitions; 505(q)(1)(I).	7	2.29	16	.5 (30 minutes)	8
Supplements to petitions for stay of Agency action.	1	1	1	6	6
Verification for supplements to petitions for stay of Agency action; 505(q)(1)(I).	1	1	1	.5 (30 minutes)	.5
Letter withdrawing a petition for stay of Agency action.	3	1	3	.5 (30 minutes)	1.5
Total Hours					54

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 18, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08307 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0809]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that EMFLAZA (deflazacort) oral tablets, and oral suspension manufactured by Marathon Pharmaceuticals, LLC, meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Larry Bauer, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–4842, FAX: 301–796–9858, email: *larry.bauer@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), which was added by FDASIA, FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that Emflaza (deflazacort) manufactured by Marathon Pharmaceuticals, LLC, meets the criteria for a priority review voucher. EMFLAZA (deflazacort) is indicated for the treatment of Duchenne Muscular Dystrophy in patients 5 years of age and older.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.* For further information about EMFLAZA (deflazacort), go to the ''Drugs@FDA'' Web site at *https://www.accessdata.fda.gov/scripts/cder/daf/.*

Dated: April 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08309 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0583]

Agency Information Collection Activities; Proposed Collection; Comment Request; Radioactive Drug Research Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection contained in regulations governing the use of radioactive drugs for basic informational research.

DATES: Submit either electronic or written comments on the collection of information by June 26, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* 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–2010–N–0583 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Radioactive Drug Research Committees.'' 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 *http://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: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Radioactive Drug Research Committees OMB Control Number 0910–0053—Extension

Under sections 201, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 355, and 371), FDA has the authority to issue regulations governing the use of radioactive drugs for basic scientific research. Section 361.1 (21 CFR 361.1) sets forth specific regulations regarding the establishment and composition of Radioactive Drug Research Committees (RDRC) and their role in approving and monitoring basic research studies utilizing radiopharmaceuticals. No basic research study involving any administration of a radioactive drug to research subjects is permitted without the authorization of an FDA approved RDRC (§ 361.1(d)(7)). The type of research that may be undertaken with a radiopharmaceutical drug must be intended to obtain basic information and not to carry out a clinical trial for safety or efficacy. The types of basic research permitted are specified in the regulation, and include studies of metabolism, human physiology, pathophysiology, or biochemistry.

Section 361.1(c)(2) requires that each RDRC shall select a chairman, who shall sign all applications, minutes, and reports of the committee. Each committee shall meet at least once each quarter in which research activity has been authorized or conducted. Minutes shall be kept and shall include the numerical results of votes on protocols involving use in human subjects. Under § 361.1(c)(3), each RDRC shall submit an annual report to FDA. The annual report shall include the names and qualifications of the members of, and of any consultants used by, the RDRC, using Form FDA 2914, and a summary of each study conducted during the preceding year, using Form FDA 2915.

Under § 361.1(d)(5), each investigator shall obtain the proper consent required under the regulations. Each female research subject of childbearing potential must state in writing that she is not pregnant, or on the basis of a pregnancy test be confirmed as not pregnant.

Under § 361.1(d)(8), the investigator shall immediately report to the RDRC all adverse effects associated with use of the drug, and the committee shall then report to FDA all adverse reactions probably attributed to the use of the radioactive drug.

Section 361.1(f) sets forth labeling requirements for radioactive drugs. These requirements are not in the reporting burden estimate because they are information supplied by the Federal Government to the recipient for the purposes of disclosure to the public (5 CFR 1320.3(c)(2)).

Types of research studies not permitted under this regulation are also specified, and include those intended for immediate therapeutic, diagnostic, or similar purposes or to determine the safety or effectiveness of the drug in humans for such purposes (*i.e.,* to carry out a clinical trial for safety or efficacy). These studies require filing of an investigational new drug application under 21 CFR part 312, and the associated information collections are covered in OMB control number 0910–0014.

The primary purpose of this collection of information is to determine whether the research studies are being conducted in accordance with required regulations and that human subject safety is assured. If these studies were not reviewed, human subjects could be subjected to inappropriate radiation or pharmacologic risks. Respondents to this information collection are the chairperson(s) of each individual RDRC, investigators, and participants in the studies. The burden estimates are based on FDA's experience with these reporting and recordkeeping requirements and the number of submissions received by FDA under the regulations over the past 3 years.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
361.1(c)(3) reports and (c)(4) approval; Form FDA 2914 (Membership Summary)	69	1	69	1	69
361.1(c)(3) reports; Form FDA 2915 (Study Summary)	35	14	490	3.5	1,715

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
361.1(c)(8); adverse events	10	1	10	0.5	5
Total			569		1,789

[1] There are no capital or operating and maintenance costs associated with the information collection.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section; FDA form	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
361.1(c)(2)	69	4	276	10	2,760
361.1(d)(5)	35	14	490	0.75	368
Total			766		3,128

[1] There are no capital or operating and maintenance costs associated with the information collection.

Dated: April 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08300 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0075]

Agency Information Collection Activities; Proposed Collection; Comment Request; Good Laboratory Practice Regulations for Nonclinical Studies

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's good laboratory practice (GLP) regulations for nonclinical laboratory studies.

DATES: Submit either electronic or written comments on the collection of information by June 26, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* 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–2011–N–0075 for ''Good Laboratory Practice Regulations for Nonclinical Studies.'' 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.fda.gov/regulatoryinformation/dockets/default.htm.*

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: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Good Laboratory Practice Regulations for Nonclinical Studies—21 CFR Part 58

OMB Control Number 0910–0119—Extension

Sections 409, 505, 512, and 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348, 355, 360b, and 360e) and related statutes require manufacturers of food additives, human drugs and biological products, animal drugs, and medical devices to demonstrate the safety and utility of their product by submitting applications to FDA for research or marketing permits. Such applications contain, among other important items, full reports of all studies done to demonstrate product safety in man and/or other animals. In order to ensure adequate quality control for these studies and to provide an adequate degree of consumer protection, the Agency issued GLP regulations for nonclinical laboratory studies in part 58 (21 CFR part 58). The regulations specify minimum standards for the proper conduct of safety testing and contain sections on facilities, personnel, equipment, standard operating procedures (SOPs), test and control articles, quality assurance, protocol and conduct of a safety study, records and reports, and laboratory disqualification.

Part 58 requires testing facilities engaged in conducting toxicological studies to retain, and make available to regulatory officials, records regarding compliance with GLPs. Records are maintained on file at each testing facility and examined there periodically by FDA inspectors. The GLP regulations require that, for each nonclinical laboratory study, a final report be prepared that documents the results of quality assurance unit inspections, test and control article characterization, testing of mixtures of test and control articles with carriers, and an overall interpretation of nonclinical laboratory studies. The GLP regulations also require written records pertaining to: (1) Personnel job descriptions and summaries of training and experience; (2) master schedules, protocols and amendments thereto, inspection reports, and SOPs; (3) equipment inspection, maintenance, calibration, and testing records; (4) documentation of feed and water analyses, and animal treatments; (5) test article accountability records; and (6) study documentation and raw data.

Recordkeeping is necessary to document the conduct of nonclinical laboratory studies of FDA-regulated products to ensure the quality and integrity of the resulting final study report on which a regulatory decision may be based. Written SOPs and records of actions taken are essential for testing facilities to implement GLP's effectively. Further, they are essential for FDA to be able to determine a testing facility's compliance with the GLP regulations in part 58.

In a notice of proposed rulemaking published in the **Federal Register** of August 24, 2016 (81 FR 58342), we proposed changes in our GLP regulations, including some of those listed in tables 1 and 2 of this document. The document included revised burden estimates for the proposed changes and solicited public comment. In response to requests, the comment period was extended to January 21, 2017 (81 FR 75351, October 31, 2016). In the interim, FDA is seeking an extension of OMB approval for the current regulations so that we can continue to collect information while the proposal is pending.

Description of Respondents: The likely respondents collecting this information are contract laboratories, sponsors of FDA-regulated products, universities, or government agencies.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
58.35(b)(7); Quality assurance unit	300	60.25	18,075	1	18,075
58.185; Reporting of nonclinical laboratory study results	300	60.25	18,075	27.65	499,774

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Total					517,849

[1] There are no capital costs or operating maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping (in hours)	Total hours
58.29(b); Personnel	300	20	6,000	0.21 (13 minutes)	1,260
58.35(b)(1)–(6), and (c); Quality assurance unit	300	270.76	81,228	3.36	272,926
58.63(b) and (c); Maintenance and calibration of equipment.	300	60	18,000	0.09 (5 minutes)	1,620
58.81(a)–(c); SOPs	300	301.8	90,540	0.14 (8 minutes)	12,676
58.90(c) and (g); Animal care	300	62.7	18,810	0.13 (8 minutes)	2,445
58.105(a) and (b); Test and control article characterization.	300	5	1,500	11.8	17,700
58.107(d); Test and control article handling	300	1	300	4.25	1,275
58.113(a); Mixtures of articles with carriers	300	15.33	4,599	6.8	31,273
58.120; Protocol	300	15.38	4,614	32.7	150,878
58.195; Retention of records	300	251.5	75,450	3.9	294,255
Total					786,308

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The annual burden for the information collection requirements in these regulations is estimated at 1,304,157 burden hours (517,849 plus 786,308 equals 1,304,157). The hours per response estimates are based on our experience with similar programs and information received from industry.

Dated: April 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08304 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1163]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Institutional Review Boards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Fax written comments on the collection of information by May 25, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0130. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: For specific questions for FDA related to this document, contact JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

SUPPLEMENTARY INFORMATION:

Institutional Review Boards—21 CFR 56.115—OMB Control Number 0910–0130—Extension

When reviewing clinical research studies regulated by FDA, institutional review boards (IRBs) are required to create and maintain records describing their operations, and make the records available for FDA inspection when requested. These records include: Written procedures describing the structure and membership of the IRB and the methods that the IRB will use in performing its functions; the research protocols, informed consent documents, progress reports, and reports of injuries to subjects submitted by investigators to the IRB; minutes of meetings showing attendance, votes, and decisions made by the IRB, the number of votes on each decision for, against, and abstaining; the basis for requiring changes in or disapproving research; records of continuing review activities; copies of all correspondence between investigators and the IRB; statement of significant new findings provided to subjects of the research; and a list of IRB members by name, showing each member's earned degrees, representative capacity, and experience in sufficient detail to describe each member's contributions to the IRB's deliberations; and any employment relationship between each member and the IRB's institution. This information is used by FDA in conducting audit inspections of IRBs to determine whether IRBs and clinical investigators are providing adequate protections to human subjects participating in clinical research.

The recordkeeping requirement burden is based on the following: The burden for the paragraphs under 21 CFR 56.115 has been considered as one

estimated burden. This burden estimate assumes that there are approximately 2,520 IRBs, that each IRB meets on an average of 14.6 times annually, and that approximately 100 hours of person-time per meeting are required to meet the requirements of the regulation.

In the **Federal Register** of November 1, 2016 (81 FR 75826), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. No comments were received in response to the notice.

FDA estimates the burden of this collection as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR part 56; subpart D; records and reports	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
56.115	2,520	14.6	36,792	100	3,679,200

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08327 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA 2017–N–1780]

Joint Meeting of the Pediatric Advisory Committee and the Pediatric Ethics Subcommittee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting; establishment of a public docket, request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Pediatric Advisory Committee (PAC) and the Pediatric Ethics Subcommittee (PES). The general function of the committees is to provide advice and make recommendations to the Agency on pediatric ethical issues. The meeting will be open to the public. FDA is establishing a docket for public comments on this document.

DATES: The meeting will be held on May 18, 2017, from 8:30 a.m. to 5:30 p.m. The docket number is FDA 2017–N–1780. The docket will close on May 19, 2017. Comments received on or before May 5, 2017 will be provided to the committee. Comments received after the date will be taken into consideration by the Agency.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503, section A), Silver Spring, MD 20993–0002. For those unable to attend in person, the meeting will also be webcast. The link for the webcast is available at *https://collaboration.fda.gov/pacm051817.* 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 your 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 make 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 submission 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–1780 for the ''Joint Meeting of the Pediatric Advisory Committee and the Pediatric Ethics Subcommittee; 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: Marieann Brill, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5154, Silver Spring, MD 20993, 240–402–3838, email: *marieann.brill@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.* 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: On May 18, 2017, the PAC and the PES will meet to discuss a referral by an Institutional Review Board (IRB) of a clinical investigation that involves children and FDA regulated products. The clinical investigation is entitled ''A Double-Blind, Placebo-Controlled, Multi-Center Study with an Open-Label Extension to Evaluate the Efficacy and Safety of SRP–4045 and SRP–4053 in Patients with Duchenne Muscular Dystrophy.'' Comments about the upcoming joint meeting should be submitted to Docket No. FDA 2017–N–1780.

After presentation of an overview of the IRB referral process under 21 CFR 50.54, an overview of the protocol and the issues raised by the IRB referral, other relevant presentations about the request to modify the protocol, and a summary of the public comments received concerning whether the protocol should proceed as modified, the committee will discuss the protocol modification and develop a recommendation regarding whether the protocol should proceed as modified. The committee's recommendation will then be presented to the Commissioner of Food and Drugs.

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 will be 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. Written submissions may be made to the contact person on or before May 11, 2017. Oral presentations from the public will be scheduled on May 18, 2017 between approximately 11 a.m. and 12:30 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 May 3, 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 May 4, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

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 Marieann Brill 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 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08299 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2005–N–0464 (Formerly Docket No. 2005N–0403)]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Establishment Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution and Blood Establishment Registration and Product Listing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that two collections of information: ''Establishment Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution'' and ''Blood Establishment Registration and Product Listing'' have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

SUPPLEMENTARY INFORMATION: On December 16, 2016, the Agency submitted proposed collections of information entitled ''Establishment Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution'' and ''Blood Establishment Registration and Product Listing'' to

OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control numbers 0910–0045 and 0910–0052, respectively. The information collection 0910–0045 expires on December 31, 2018, and the information collection 0910–0052 expires May 31, 2018. Copies of the supporting statements for the information collections are available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: April 18, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08305 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–1572]

Cybersecurity of Medical Devices: A Regulatory Science Gap Analysis; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we), in association with National Science Foundation (NSF) and Department of Homeland Security, Science and Technology (DHS S&T) is announcing the following public workshop entitled ''Cybersecurity of Medical Devices: A Regulatory Science Gap Analysis.'' The objective of the workshop is to facilitate a discussion on the current state of regulatory science in the field of cybersecurity of medical devices, with a focus on patient safety. The purpose of this public workshop is to catalyze collaboration among Health Care and Public Health (HPH) stakeholders to identify regulatory science challenges, discuss innovative strategies to address those challenges, and encourage proactive development of analytical tools, processes, and best practices by the stakeholder community to strengthen medical device cybersecurity.

DATES: The public workshop will be held on May 18 and 19, 2017, from 8 a.m. to 6 p.m. Submit either electronic or written comments on the public workshop by June 23, 2017. Late untimely filed comments will not be considered. Electronic comments must be submitted on or before June 23, 2017. The *https://www.regulations.gov/* electronic filing system will accept comments until midnight Eastern Time at the end of June 23, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, Rm. 1503 (The Great Room), Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

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 comments will be made public, you are solely responsible for ensuring that your comments do not include any confidential information that you or a third party may not wish to be public, 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–1572 for ''Cybersecurity of Medical Devices: A Regulatory Science Gap Analysis.'' Received comments, those filed in a timely manner (see **DATES**), 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: Dinesh Patwardhan, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 64, Rm. 4076, Silver Spring, MD 20993, 301–796–2622, email: *dinesh.patwardhan@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Regulatory Science is defined as the science of developing new tools, standards, and approaches to assess the safety, efficacy, quality, and performance of all FDA-regulated medical products. At the Center for Devices and Radiological Health (CDRH), regulatory science serves to accelerate improving the safety, effectiveness, performance, and quality of medical devices and radiation-emitting products, and to facilitate entry of innovative medical devices into the marketplace. The Regulatory Science Subcommittee of the CDRH Center Science Council assessed and prioritized the regulatory science gaps for medical devices based on input from CDRH Offices (*https://www.fda.gov/downloads/MedicalDevices/ScienceandResearch/UCM467552.pdf*). These new regulatory science scientific tools, technologies, and approaches form the bridge to critical 21st century advances in public health. Cybersecurity of medical devices was identified as one of the top 10 regulatory science gaps. FDA, NSF, and DHS S&T are therefore seeking input to create a framework to address the cybersecurity regulatory science gaps. The scope and nature of this cybersecurity regulatory science research framework is designed to be broad to foster collaboration across all interested stakeholders. The framework may include collaborative research conducted between federal agencies such as NSF, DHS S&T, academia, medical device industry, and third party experts and other organizations with input from FDA. The collaborative research may include one or more of the following settings:

1. Intramural cybersecurity research conducted within FDA;

2. Extramural cybersecurity research in collaboration with other federal agencies (*e.g.* DHS S&T); and

3. Collaborative long term cybersecurity research conducted among federal agencies, NSF, academia, medical device industry, and third party experts and organizations.

This public workshop is not designed to discuss FDA policy regarding cybersecurity of medical devices.

II. Topics for Discussion at the Public Workshop

The public workshop sessions are planned to include a number of short opening plenary talks, followed by multiple simultaneous working sessions organized by broad themes. Attendees are encouraged to participate in at least one working session of their choice providing unique views, insights, and challenges.

Following are a list of general topics that are planned to be included for discussion during the public workshop.

- Relationship between medical device cybersecurity and patient safety;
- Unique cybersecurity and regulatory challenges for medical devices;
- Differences in cybersecurity between home care, large health care providers, and acute care settings (*e.g.,* ambulance, emergency room);
- The roles and intersection of information technology professionals and biomedical engineering staff;
- Potential metrics, evaluation tools to test and quantify the cybersecurity of medical devices and systems;
- Automated and manual tools for communicating cybersecurity information about medical device design and function;
- Best practices for cybersecurity of medical devices at deployment and how to apply updates throughout the medical device lifecycle;
- Human factor issues in cybersecurity of medical device development, deployment, and use of devices; and
- Best practices in cybersecurity design, deployment, and post-deployment activities and procedures.

Additional suggested topics may be submitted at the time of registration.

Each break out session discussion may include following discussion elements: (1) Immediate cybersecurity challenges and potential solutions to facilitate entry of innovative medical devices into the marketplace; (2) Cybersecurity regulatory science gaps to which solutions can be developed through additional scientific research; and (3) Long-term cybersecurity research challenges which may need significant additional basic research.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *https://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone number.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public workshop must register by May 4, 2017, by 4 p.m. Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted. If time and space permit, onsite registration on the day of the public meeting/public workshop will be provided beginning at 8 a.m. We will let registrants know if registration closes before the day of the public meeting/public workshop.

If you need special accommodations due to a disability, please contact Susan Monahan, 301–796–5661, email: *Susan.Monahan@fda.hhs.gov,* no later than May 4, 2017.

Transcripts: Please be advised that as soon as a transcript of the plenary session portion of the public workshop is available, it will be accessible at *https://www.regulations.gov/.* It may be viewed at the Division of Dockets Management (see **ADDRESSES**). A link to the transcript will also be available on the Internet at *https://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list).

Dated: April 20, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–08314 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–0762]

Extending Expiration Dates of Doxycycline Tablets and Capsules in Strategic Stockpiles; Draft Guidance for Government Public Health and Emergency Response Stakeholders; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for government public health and emergency response stakeholders entitled ''Extending Expiration Dates of Doxycycline Tablets and Capsules in Strategic Stockpiles.'' This document, once finalized, will provide guidance to government stakeholders on testing to extend the shelf life (*i.e.,* expiration date) under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) of stockpiled doxycycline tablets and capsules for public health emergency preparedness and response purposes for an anthrax emergency. This draft guidance has been prepared in response to requests from States asking FDA what would be necessary to provide confidence that stockpiled doxycycline tablets and capsules have retained their original quality beyond the manufacturer's labeled expiration date so the replacement of stockpiled product could be deferred. This guidance and any resulting expiration date extensions authorized by FDA do not apply to doxycycline available commercially or otherwise held for any other non-emergency purpose.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by June 26, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* 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–D–0762 for ''Extending Expiration Dates of Doxycycline Tablets and Capsules in Strategic Stockpiles.'' 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.fda.gov/regulatoryinformation/dockets/default.htm.*

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.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Frederick Ensor, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–2733.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for government public health and emergency response stakeholders entitled ''Extending Expiration Dates of Doxycycline Tablets and Capsules in Strategic Stockpiles.'' A number of government public health and emergency response stakeholders maintain stockpiles of doxycycline tablets or capsules for post-exposure prophylaxis (PEP) or treatment of inhalational anthrax in the event of an anthrax emergency. States have asked FDA what would be necessary to provide confidence that stockpiled doxycycline tablets and capsules have retained their original quality (*i.e.,*

purity and potency) beyond the manufacturer's labeled expiration date so the replacement of stockpiled product could be deferred. This document, once finalized, will provide guidance to government stakeholders on testing to extend the shelf life (*i.e.,* expiration date) under section 564A(b) of the FD&C Act (21 U.S.C. 360bbb–3a(b)) of stockpiled doxycycline tablets and capsules for public health emergency preparedness and response purposes for an anthrax emergency.

The draft guidance applies to both doxycycline monohydrate and doxycycline hyclate tablets and capsules equivalent to 50 mg and 100 mg of doxycycline that are indicated for PEP or treatment of inhalational anthrax. Where doxycycline is mentioned throughout this guidance, it is meant to include both the hyclate and monohydrate forms of the drug that are indicated for PEP or treatment of inhalational anthrax.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Extending Expiration Dates of Doxycycline Tablets and Capsules in Strategic Stockpiles.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information has been approved under OMB control number 0910–0595.

III. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: April 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08326 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0868]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry: Use of Serological Tests To Reduce the Risk of Transmission of Trypanosoma cruzi Infection in Whole Blood and Blood Components for Transfusion

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Fax written comments on the collection of information by May 25, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0681. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry: Use of Serological Tests To Reduce the Risk of Transmission of Trypanosoma cruzi Infection in Whole Blood and Blood Components Intended for Transfusion

OMB Control Number 0910–0681—Extension

The guidance document implements the donor screening recommendations for the FDA-approved serological test systems for the detection of antibodies to *T. cruzi.* The use of the donor screening tests are to reduce the risk of transmission of *T. cruzi* infection by detecting antibodies to *T. cruzi* in plasma and serum samples from individual human donors, including donors of Whole Blood and blood components intended for transfusion. The guidance recommends that establishments that manufacture Whole Blood and blood components intended for transfusion should notify consignees of all previously collected in-date blood and blood components to quarantine and return the blood components to establishments or to destroy them within 3 calendar days after a donor tests repeatedly reactive by a licensed test for *T. cruzi* antibody. When establishments identify a donor who is repeatedly reactive by a licensed test for *T. cruzi* antibodies and for whom there is additional information indicating risk of *T. cruzi* infection, such as testing positive on a licensed supplemental test (when such test is available) or until such test is available, information that the donor or donor's mother resided in an area endemic for Chagas disease (Mexico, Central and South America) or as a result of other medical diagnostic testing of the donor indicating *T. cruzi* infection, we recommend that the establishment notify consignees of all previously distributed blood and blood components collected during the lookback period and, if blood and blood components were transfused, encourage consignees to notify the recipient's physician of record of a possible increased risk of *T. cruzi* infection.

Respondents to this information collection are establishments that manufacture Whole Blood and blood components intended for transfusion. We believe that the information collection provisions in the guidance for establishments to notify consignees and for consignees to notify the recipient's physician of record in the guidance do not create a new burden for respondents and are part of usual and customary business practices. Since the end of January 2007, a number of blood centers representing a large proportion of U.S. blood collections have been testing donors using a licensed assay. We believe these establishments have already developed standard operating procedures for notifying consignees and for the consignees to notify the recipient's physician of record.

The guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR 601.12 have been approved under OMB control number 0910–0338; the

collections of information in 21 CFR 606.100, 606.121, 606.122, 606.160(b)(ix), 606.170(b), 610.40, and 630.40 have been approved under OMB control numbers 0910–0116 and 0910–0795; the collections of information in 21 CFR 606.171 have been approved under OMB control number 0910–0458.

In the **Federal Register** of November 7, 2016 (81 FR 78170), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. No comments were received in response to the notice.

Dated: April 18, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08306 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Sentinel Training at the Food and Drug Administration; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the following public workshop entitled ''Sentinel Training at FDA.'' The purpose of the public workshop is to provide training to understand the kinds of questions that can be asked using health care claims data generally and within the FDA Sentinel System specifically, allowing an understanding of the capabilities of the Sentinel System.

DATES: The public workshop will be held on July 10, 2017, from 10 a.m. to 4 p.m.

ADDRESSES: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, Rm. 1503 (the Great Room), Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Kayla Garvin, Food and Drug Administration, 10903 New Hampshire Avenue, Bldg. 51, Rm. 6314, Silver Spring, MD 20993, 301–796–7578, *Kayla.Garvin@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Sentinel Initiative began in 2008 as a multiyear effort to create a national electronic system for monitoring the performance of FDA-regulated medical products. The Sentinel Initiative is FDA's response to the Food and Drug Administration Amendments Act of 2007 (FDAAA) requirement that FDA work with public, academic, and private entities to develop a system to obtain information from existing electronic health care data from multiple sources to assess the safety of FDA approved medical products.

The Sentinel System uses a distributed data approach in which Data Partners maintain physical and operational control over electronic health care data in their existing environments. The distributed approach is achieved by using a standardized data structure referred to as the Sentinel Common Data Model. Data Partners transform their data locally in accordance with the Common Data Model, which enables them to execute standardized computer programs that run identically at each Data Partner site. Data Partners are able to review the results of the queries before sending them back to the Sentinel Operations Center. Queries are distributed and results are returned through a secure portal to preserve privacy.

II. Topics for Discussion at the Public Workshop

This full-day seminar, targeting clinical researchers and others without direct experience using health care claims data, will provide an overview of data that are and are not available in the Sentinel Distributed Database, the Sentinel Common Data Model, and a description of the distributed tools available to work with the data. This seminar will help those in attendance understand the kinds of questions that can be asked using health care claims data generally and within the Sentinel System specifically. Attendees will leave with an understanding of the capabilities of the Sentinel System. The Sentinel System can help the public, academia, and private entities better understand potential safety issues associated with FDA-approved medical products. Importantly, users can get responses to their questions in a matter of weeks, as compared to months, or even longer using traditional surveillance methods.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following Web site: *https://www.eventbrite.com/e/sentinel-training-at-food-and-drug-administration-registration-32503315291.* Please provide required contact information for each attendee, including name, title, affiliation, and email.

Registration is free and based on space availability, with priority given to early registrants. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. If time and space permit, onsite registration on the day of the public workshop will be provided beginning at 9 a.m.

If you need special accommodations due to a disability, please contact Kayla Garvin no later than June 30, 2017.

Streaming Webcast of the public workshop: This public workshop will also be Webcast at: *https://collaboration.fda.gov/sentineltraining2017/.*

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the Web site addresses in this document, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

Transcripts: Please be advised that transcripts will not be available.

Dated: April 19, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–08302 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1393]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Patent Term Restoration, Due Diligence Petitions, Filing, Format, and Content of Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 25, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0233. Also include the FDA docket number found in brackets in the heading of this document.

Patent Term Restoration, Due Diligence Petitions, Filing, Format, and Content of Petitions—21 CFR Part 60—OMB Control Number 0910–0233—Extension

SUPPLEMENTARY INFORMATION: FDA's patent extension activities are conducted under the authority of the Drug Price Competition and Patent Term Restoration Act of 1984 (21 U.S.C. 355(j)) and the Generic Animal Drug and Patent Term Restoration Act of 1988 (35 U.S.C. 156). New human drug, animal drug, human biological, medical device, food additive, or color additive products regulated by FDA must undergo FDA safety, or safety and effectiveness review before marketing is permitted. Where the product is covered by a patent, part of the patent's term may be consumed during this review, which diminishes the value of the patent. In enacting the Drug Price Competition and Patent Term Restoration Act of 1984 and the Generic Animal Drug and Patent Term Restoration Act of 1988, Congress sought to encourage development of new, safer, and more effective medical and food additive products. It did so by authorizing the U.S. Patent and Trademark Office (USPTO) to extend the patent term by a portion of the time during which FDA's safety and effectiveness review prevented marketing of the product. The length of the patent term extension is generally limited to a maximum of 5 years, and is calculated by USPTO based on a statutory formula.

When a patent holder submits an application for patent term extension to USPTO, USPTO requests information from FDA, including the length of the regulatory review period for the patented product. If USPTO concludes that the product is eligible for patent term extension, FDA publishes a notice that describes the length of the regulatory review period and the dates used to calculate that period. Interested parties may request, under § 60.24 (21 CFR 60.24), revision of the length of the regulatory review period, or may petition under § 60.30 (21 CFR 60.30) to reduce the regulatory review period by any time where marketing approval was not pursued with ''due diligence.''

The statute defines due diligence as ''that degree of attention, continuous directed effort, and timeliness'' as may reasonably be expected from, and are ordinarily exercised by, a person during a regulatory review period. As provided in § 60.30(c), a due diligence petition ''shall set forth sufficient facts, including dates if possible, to merit an investigation by FDA or whether the applicant acted with due diligence.'' Upon receipt of a due diligence petition, FDA reviews the petition and evaluates whether any change in the regulatory review period is necessary. If so, the corrected regulatory review period is published in the **Federal Register**. A due diligence petition not satisfied with FDA's decision regarding the petition may, under § 60.40 (21 CFR 60.40), request an informal hearing for reconsideration of the due diligence determination. Petitioners are likely to include persons or organizations having knowledge that FDA's marketing permission for that product was not actively pursued throughout the regulatory review period. The information collection for which an extension of approval is being sought is the use of the statutorily created due diligence petition.

Since 1992, 20 requests for revision of the regulatory review period have been submitted under § 60.24(a). In years 2013, 2014, and 2015, a total of five requests were submitted under § 60.24(a). During that same time period, there have been no requests under §§ 60.30 and 60.40; however, for purposes of this information collection approval, we are estimating that we may receive one submission annually.

In the **Federal Register** of November 1, 2016 (81 FR 75824), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received in response to the notice.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
60.24(a)	3	1.66	5	100	500
60.30	1	1	1	50	50
60.40	1	1	1	10	10
Total					560

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08325 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–2342]

Pediatric Studies of Ampicillin Conducted in Accordance With the Public Health Service Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comment.

SUMMARY: The Food and Drug Administration (FDA or Agency) is making available to the public a report, submitted by Duke Clinical Research Institute on December 15, 2015, of the pediatric studies of ampicillin that were conducted in accordance with the Public Health Service Act (PHS Act) and submitted to the Director of the National Institutes of Health (NIH) and the Commissioner of Food and Drugs. This notice is to announce the 30-day open public comment period on the report.

DATES: Submit either electronic or written comments by May 25, 2017. Late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 25, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of May 25, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* 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–2015–N–2342 for ''Pediatric Studies of Ampicillin Conducted in Accordance With Section 409I of the Public Health Service Act.'' Received comments, those filed in a timely manner (see **DATES**), 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: Lori Gorski, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6466, Silver Spring, MD 20993–0002, email: *Lori.Gorski@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

1. Background

Under section 409I of the PHS Act (42 U.S.C. 284m), the Secretary of Health and Human Services (the Secretary), acting through the Director of NIH, in consultation with FDA and experts in pediatric research, must develop, prioritize, and publish a list of priority needs in pediatric therapeutics, including drugs and indications that require study.[1] For drugs and indications on this list, FDA, acting in consultation with NIH, is authorized to issue a written request, under the Best Pharmaceuticals for Children Act, to holders of a new drug application or an abbreviated new drug application for a drug for which pediatric studies are needed, to provide safety and efficacy information for pediatric labeling. If the applicants or application holders receiving the written request decline to conduct the studies, or if FDA does not receive a response to the written request within 30 days of the date the written request was issued, the Secretary, acting through the Director of NIH and in consultation with FDA, must publish a request for proposals to conduct the pediatric studies described in the written request and award funds to an entity with appropriate expertise for the conduct of the pediatric studies described in the written request. Upon completion of the pediatric studies, a study report that includes all data generated in connection with the studies must be submitted to FDA and

[1] Prior to the 2007 reauthorization of the Best Pharmaceuticals for Children Act (Pub. L. 107–109), the priority list included specific drugs instead of therapeutic areas.

NIH and placed in a public docket assigned by FDA.

Neonates are at risk for serious bacterial infections including meningitis, bacteremia, sepsis, and urinary tract infections. Most of these children are admitted to a hospital, where they receive antibiotics. Early onset of bacterial infection (less than 7 days of life) reflects vertical transmission, usually caused by group B streptococci (GBS), *Escherichia coli, Listeria monocytogenes,* or *enterococcus* species, and is a significant cause of illness and death among low birth weight infants. Late onset infections suggest nosocomial, community-acquired infections or late onset GBS; these may be caused by gram-negative organisms as well as staphylococcal species. The first line of antibiotic therapy is ampicillin in combination with gentamicin or a third-generation cephalosporin.

In the **Federal Register** of February 13, 2004 (71 FR 23931), NIH published a notice announcing the addition of several drugs, including ampicillin, to the priority list of drugs most in need of study for use by children to ensure the drugs' safety and efficacy. A written request for pediatric studies of ampicillin was issued on August 5, 2005, to the holders of applications for ampicillin. FDA did not receive a response to the written request. Accordingly, NIH issued a request for proposals to conduct the pediatric studies described in the written request in 2006, and awarded funds to Pediatric Trials Network in December 2011 to complete the studies described in the written request. Upon completion of the pediatric studies, a report of the pediatric studies of ampicillin was submitted to NIH and FDA. As required under section 409I of the PHS Act, FDA opened a public docket and NIH placed in the docket the report of pediatric studies of ampicillin that was submitted to NIH and FDA. The report includes all data generated in connection with the study, including the written request.

II. Availability of Report for Public Comment

FDA is announcing the 30-day open public comment period for the report of the pediatric studies of ampicillin that were conducted in accordance with section 409I of the PHS Act and submitted to NIH and FDA. We invite interested parties to review the Duke Clinical Research Institute report, which was posted to the docket on December 15, 2015, and submit comments to the docket (see **ADDRESSES**).

Dated: April 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08301 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Food and Drug Administration Small Business and Industry Assistance Regulatory Education for Industry Spring Conference; Public Conference

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public conference.

SUMMARY: The Food and Drug Administration (FDA) Center for Drug Evaluation and Research (CDER), together with the Center for Devices and Radiological Health (CDRH), is sponsoring a 2-day public conference entitled ''FDA Small Business and Industry Assistance Regulatory Education for Industry (REdI) Spring Conference.'' The goal of this public conference is to provide direct, relevant, and helpful information on the key aspects of drug and medical device regulations in order to increase regulatory certainty and predictability for pharmaceutical and/or medical device industry. Our primary audience is that of small manufacturers of drug and/or medical devices who want to learn about how FDA approaches the regulation of drugs and medical devices and for whom increased certainty and predictability will help to decrease the regulatory burdens that can be associated with a lack of understanding of, or familiarity with, FDA's drug and medical device regulations. However, anyone involved in the pharmaceutical and/or medical device industry may attend.

DATES: The public conference will be held May 9 and 10, 2017, from 8:30 a.m. to 4:30 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration information.

ADDRESSES: The public conference will be held in the High Ballroom, located on the Lobby Level of the Renaissance Atlanta Midtown Hotel, 866 W. Peachtree St. NW., Atlanta, GA 30308. The hotel's phone number is 678–412–2400.

FOR FURTHER INFORMATION CONTACT: Brenda Stodart, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–6707, email: *cdersbia@fda.hhs.gov;* or Elias Mallis, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–7100, email: *DICE@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing a public conference entitled ''FDA Small Business and Industry Assistance Regulatory Education for Industry Spring Conference.'' This public conference is intended to increase the drug and medical device industry's awareness of applicable FDA regulations. There will be an opportunity for questions and answers following each presentation.

II. Topics for Discussion at the Conference

This 2-day, FDA-led forum offers the opportunity to interact with FDA subject matter experts from across CDER and CDRH. The following information will be discussed:

- CDER Investigational New Drug Application (IND) Review Process: Types of IND; Content and Format of an IND; Chemistry Manufacturing and Controls; Pharmacology/Toxicology; Drug Inspections
- CDRH: 510(k); Biocompatibility in Premarket Submissions; Non-Conforming Product; Device Inspections

III. Participating in the Public Conference

Registration: There is no fee to attend the public conference. Space is limited, and registration will be on a first-come, first-served basis. To register, please complete registration online at: *https://www.fda.gov/Drugs/DevelopmentApprovalProcess/SmallBusinessAssistance/ucm545309.htm.* Early registration is recommended. Registrants will receive email confirmation when they have been accepted, and reminder emails will be sent to registrants 2 days before the conference. If time and space permit, onsite registration will be available beginning at 7:30 a.m. on each day of the public conference. If you need special accommodations due to disability, please contact *info@sbiaevents.com* at least 7 days in advance.

Streaming Webcast of the Public Conference: This public conference will also be Webcast. Persons interested in viewing the Webcast must register to

receive a confirmation email with the Webcast link.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the Web site addresses in this document, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

Transcripts: Transcripts will not be available.

Dated: April 19, 2017.

Anna K. Abram,

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

[FR Doc. 2017–08308 Filed 4–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

[OMB No. 0915–0378]

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Information Collection Title: Nurse Faculty Loan Program (NFLP)—Program Specific Data Form; Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than May 25, 2017.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Nurse Faculty Loan Program (NFLP)—Program Specific Data Form, OMB No. 0915–0378—Revision.

Abstract: This clearance request is for continued approval of the Nurse Faculty Loan Program (NFLP) revised Program Specific Data Form. HRSA is streamlining the data collection form by making the following changes:

- Line Item D will be renamed ''D1. NFLP Loan Fund Balance/Unused Accumulation.''
- Addition of Line Item D2 titled ''NFLP Loan Fund Default Rate,'' requesting information regarding the status of an institution's default rate.
- Addition of Line Item D3 titled ''Last NFLP Student Loan Award,'' requesting information regarding the disbursement of NFLP loan funds within the last 2 academic years.
- Line Item E2 Column Header will be renamed ''E.2 NFLP Enrollees Information by Degree—New Students Expected to Request NFLP Support.''
- Under Section B of instructions, ''other attachments'' will be updated to reflect the current list of NFLP Funding Opportunity Announcement attachments.

Need and Proposed Use of the Information: The NFLP—Program Specific Data Form is a required electronic attachment within the NFLP application materials. The data provided in the form is essential for the formula-based criteria used to determine the award amount to the applicant schools. Continued approval of the revised NFLP—Program Specific Data Form allows HRSA to efficiently capture data to generate the formula-based award and facilitates reporting on the use of funds and analysis of program outcomes.

The addition of Line Item D2, NFLP Loan Fund Default Rate, will allow HRSA to easily assess and consider an existing performance standard for those applicants with existing NFLP loan accounts. Used in combination with an existing NFLP institution's self-reported NFLP loan balance, the addition of Line Item D3, Last NFLP Student Loan Award, will allow HRSA to assess the loan fund activity (*i.e.,* incidence of loans to students) of an existing NFLP institution applying for additional funding.

Likely Respondents: NFLP eligible applicants. This includes accredited schools of nursing offering eligible advanced masters and/or doctoral degree nursing education programs that will prepare students to serve as qualified nursing faculty.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information.

The total burden for this revised form has decreased by 480 hours due to an estimated decrease in number of respondents. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NFLP—Program Specific Data Form	90	1	90	8	720
Total Burden	90		90		720

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–08295 Filed 4–24–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

[OMB No. 0915–0314]

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Information Collection Request Title: Nurse Faculty Loan Program, Annual Performance Report Financial Data Form; Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than May 25, 2017.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Nurse Faculty Loan Program (NFLP), Annual Performance Report Financial Data Form, OMB No. 0915–0314—Revision.

Abstract: This clearance request is for approval of a revision to the Nurse Faculty Loan Program, Annual Performance Report (NFLP–APR) Financial Data Form. The form was previously titled as the Nurse Faculty Loan Program, Annual Operating Report (NFLP–AOR).

Section 846A of the Public Health Service Act provides the Secretary of HHS with the authority to enter into an agreement with schools of nursing for the establishment and operation of a student loan fund to increase the number of qualified nurse faculty. Under the agreement, HRSA makes an award to a participating school for the NFLP loan fund, which must be maintained in a distinct account. Each school of nursing then makes loans from the NFLP account to students enrolled full-time or, at the discretion of the Secretary, part-time, in a master's or doctoral nursing education program that prepares the students to become qualified nursing faculty. Following graduation from the NFLP lending school, loan recipients may receive up to 85 percent NFLP loan cancellation over a consecutive 4-year period in exchange for service as full-time faculty at a school of nursing. The NFLP lending school collects the portion of the loan that is not cancelled and any loans that go into repayment due to default and deposits these monies into the NFLP loan fund to make additional NFLP loans.

Need and Proposed Use of the Information: The NFLP–APR Financial Data Form collects financial data online through HRSA's Electronic Handbooks to capture the NFLP loan fund account activity related to financial receivables, disbursements, and borrower account data regarding employment status, loan cancellation, loan repayment, and collections. Participating schools provide HRSA with current and cumulative information on: (1) NFLP loan funds received, (2) number and amount of NFLP loans made, (3) number and amount of loans cancelled, (4) number and amount of loans in repayment, (5) loan default rate percent, (6) number of NFLP graduates employed as nurse faculty, and (7) other related loan fund costs and activities. Participating schools must keep records of all NFLP loan fund transactions.

The revised NFLP–APR Financial Data Form no longer includes nursing student demographic data, which is collected under another form (OMB approval number 0915–0061). As a result, the annual burden is estimated to decrease by 440 hours. The information requested from participating schools in the revised NFLP–APR Financial Data Form is not available from any other source.

In accordance with statute and program guidelines, the NFLP–APR Financial Data Form is used to monitor grantee performance by collecting information related to the NFLP loan fund operations and financial activities for the July 1 through June 30 academic year. Participating schools must submit the NFLP–APR Financial Data Form annually.

Likely Respondents: Participating NFLP schools are required to adhere to reporting requirements.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This burden includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NFLP—Annual Performance Report Financial Data Form	260	1	260	6	1,560
Total	260		260		1,560

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–08297 Filed 4–24–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; The National Health Service Corps and NURSE Corps Interest Capture Form, OMB No. 0915–0337—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than May 25, 2017.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: The National Health Service Corps and NURSE Corps Interest Capture Form, OMB No. 0915–0337—Extension.

Abstract: HRSA's Bureau of Health Workforce administers the National Health Service Corps (NHSC) and the NURSE Corps programs, which are committed to improving the health of the underserved by connecting communities in need with health professionals and supporting communities' efforts to build better systems of care. The NHSC and NURSE Corps Interest Capture Form is an optional form that a health profession student, licensed clinician, faculty member, or clinical site administrator may complete to request information regarding opportunities and program updates with the NHSC and/or the NURSE Corps. The form requests information such as name, email, city and state, organization where employed (or the school attending), the year one intends to graduate (if applicable), and how one heard about the NHSC and NURSE Corps programs.

Need and Proposed Use of the Information: The need and purpose of this information collection is to share information regarding the NHSC and NURSE Corps programs with interested individuals.

Likely Respondents: Individuals interested in the NHSC or NURSE Corps programs.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NHSC and NURSE Corps Programs Interest Capture Form	2,400	1	2,400	.025	60
Total	2,400		2,400		60

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–08298 Filed 4–24–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

[OMB No. 0915–0379]

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Information Collection Request Title: Questionnaire and Data Collection Testing, Evaluation, and Research for the Health Resources and Services Administration; Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than May 25, 2017.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Questionnaire and Data Collection Testing, Evaluation, and Research for the Health Resources and Services Administration; OMB No. 0915–0379—Extension.

Abstract: The purpose of this generic clearance is to obtain formative information from respondents to develop new questions, questionnaires, and tools and to identify problems in instruments currently in use. This clearance request is limited to formative research activities emphasizing data collection, toolkit development, and estimation procedures and reports for internal decision-making and development purposes and does not extend to the collection of data for public release or policy formation. It is anticipated that these studies will rely heavily on qualitative techniques to meet their objective. In general, these activities are not designed to yield results that meet generally accepted standards of statistical rigor but are intended to obtain valuable formative information to develop data collection tools that will yield more accurate results and decrease non-response.

Need and Proposed Use of the Information: HRSA conducts cognitive interviews, focus groups, usability tests, field tests/pilot interviews, and experimental research in laboratory and field settings, both for applied questionnaire development and evaluation as well as basic research on response errors in surveys. HRSA staff use various techniques to evaluate interviewer-administered, self-administered, telephone, Computer-Assisted Personal Interviewing (CAPI), Computer Assisted Self-Interviewing, Audio Computer-Assisted Self-Interviewing, and web-based questionnaires.

Professionally-recognized procedures are followed in each information collection activity to ensure high quality data. Examples of these procedures include the following:

- Monitoring by supervisory staff of a certain percent of telephone interviews;
- Conducting cognitive interviewing techniques, including think-aloud techniques and debriefings;
- Digitizing through scannable forms or checking through double-key entry mail or paper-and-pencil surveys;
- Monitoring of focus groups by observers and recording focus group proceedings; and/or
- Statistically-validating data submitted through on-line surveys to ensure accuracy, such as disallowing out-of-range values.

Each request under this generic clearance will specify the procedures to be used. Participation will be voluntary, and non-participation will not affect eligibility for, or receipt of, future HRSA health services research activities or grant awards, recruitment, or participation. Specific testing and evaluation procedures will be described when HRSA notifies OMB about each new request. Consent procedures will be customized for each information collection activity, but will include assurances of confidentiality and the legislative authority for the activity. If the encounter is to be recorded, the respondent's permission to record will be obtained before beginning the interview. When screening is required (*e.g.,* quota sampling), the screening will be as brief as possible and the screening questionnaire will be provided as part of the submission to OMB.

The information collection methods will vary, but may include the following:

- Individual in-depth interviews—In-depth interviews will commonly be used to ensure that the meaning of a questionnaire or strategy is understood by the respondent. When in-depth interviewing is used, the interview guide will be provided to OMB for review.
- Focus groups—Focus groups will be used to obtain insights into beliefs and understandings of the target audience early in the development of a questionnaire or tool. When focus groups are used, the focus group discussion guide will be provided to OMB for review.
- Expert/Gatekeeper review of tools—In some instances, tools designed for patients may be reviewed in-depth by medical providers or other gatekeepers to provide feedback on the acceptability and usability of a particular tool. This would usually be in addition to pretesting of the tool by the actual patient or other user.
- Record abstractions—On occasion, the development of a tool or other information collection requires review and interaction with records rather than individuals.
- ''Dress rehearsal'' of a specific protocol—In some instances, the proposed pretesting will constitute a walkthrough of the intended data collection procedure. In these instances, the request will mirror what is expected to occur for the larger scale data collection.

Likely Respondents: Respondents will be recruited by means of advertisements in public venues or through techniques that replicate prospective data collection activities that are the focus of the project. For instance, a survey on physician communication, designed to be administered following an office visit, might be pretested using the same procedure. Each submission to OMB will specify the specific recruitment procedure to be used.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing

and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Type of information collection	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Mail/email [1]	1,670	1	1,670	0.26	434.2
Telephone	1,670	1	1,670	0.26	434.2
Web-based	1,666	1	1,666	0.25	416.5
Focus Groups	1,666	1	1,666	1.0	1,666
In-person	1,666	1	1,666	1.0	1,666
Automated [2]	1,666	1	1,666	1.0	1,666
Cognitive Testing	5,000	1	5,000	1.41	7,050
Total	15,004		15,004		13,333

[1] May include telephone non-response follow-up, in which case the burden will not change.
[2] May include testing of database software, CAPI software, or other automated technologies.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–08296 Filed 4–24–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial 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 Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Dental and Craniofacial Research Council.

Date: May 23, 2017.

Open: 8:30 a.m. to 12:30 p.m.

Agenda: Report to the Director, NIDCR.

Place: National Institutes of Health, Building 31C, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Closed: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31C, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl Inst of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892, 301–594–4805, *adombroski@nidcr.nih.gov.*

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.nidcr.nih.gov/about,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 19, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–08294 Filed 4–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Interagency Coordinating Committee on the Validation of Alternative Methods; Notice of Public Meeting; Request for Public Input

SUMMARY: The Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) will hold a public forum to share information and facilitate direct communication of ideas and suggestions from stakeholders. Interested persons may attend in person or view the meeting remotely by webcast. Time will be set aside for questions and public statements on the topics discussed. Registration is requested for both public attendance and oral statements, and required for remote access. Information about the meeting and registration are available at *http://ntp.niehs.nih.gov/go/iccvamforum-2017.*

DATES:

Meeting: May 23, 2017, 9:00 a.m. to approximately 4:00 p.m. Eastern Daylight Time (EDT).

Registration for Onsite Meeting: Deadline is May 12, 2017.

Registration for Webcast: Deadline is May 23, 2017.

Submission of Oral Public Statements: Deadline is May 12, 2017.

ADDRESSES:

Meeting Location: William H. Natcher Conference Center, National Institutes of Health, Bethesda, MD 20892.

Meeting Web page: The preliminary agenda, registration, and other meeting materials are at *http://ntp.niehs.nih.gov/go/iccvamforum-2017.*

FOR FURTHER INFORMATION CONTACT: Dr. Warren Casey, Director, National

Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); email: *warren.casey@nih.gov;* telephone: (919) 316–4729.

SUPPLEMENTARY INFORMATION:

Background: ICCVAM, a congressionally mandated committee, promotes the development and validation of alternative testing strategies that protect human health and the environment while replacing, reducing, or refining animal use.

ICCVAM's goals include promotion of national and international partnerships between governmental and nongovernmental groups, including academia, industry, advocacy groups, and other key stakeholders. To foster these partnerships ICCVAM initiated annual public forums in 2014 to share information and facilitate direct communication of ideas and suggestions from stakeholders (79 FR 25136).

This year's meeting will be held on May 23, 2017, at the National Institutes of Health (NIH) in Bethesda, MD. The meeting will include presentations by NICEATM and ICCVAM members on current activities related to the development and validation of alternative test methods and approaches, including discussions of the proposed strategic roadmap to establish new approaches for evaluating the safety of chemicals and medical products in the United States. These new approaches are anticipated to increase confidence in alternative methods and improve their relevance to human health outcomes while maximizing efficiency and maintaining a commitment to replace, reduce, and refine animal use.

Following each presentation, there will be an opportunity for participants to ask questions of the ICCVAM members. Instructions for submitting questions will be provided to remote participants prior to the webcast. The agenda will also include time for participants to make public oral statements relevant to the ICCVAM mission and current activities.

Preliminary Agenda and Other Meeting Information: The preliminary agenda, list of discussion topics, background materials, ICCVAM roster, and public statements submitted prior to the meeting will be posted by May 16 at *http://ntp.niehs.nih.gov/go/iccvamforum-2017.* Interested individuals are encouraged to visit this Web page to stay abreast of the most current meeting information.

Meeting and Registration: This meeting is open to the public with time scheduled for questions and oral public statements following presentations from ICCVAM and NICEATM. The public may attend the meeting at NIH, where attendance is limited only by the space available, or view remotely by webcast. Those planning to attend the meeting in person are encouraged to register at *http://ntp.niehs.nih.gov/go/iccvamforum-2017* by May 12, 2017, to facilitate planning for appropriate meeting space. Those planning to view the webcast must register at *http://ntp.niehs.nih.gov/go/iccvamforum-2017;* registration will be available through May 23, 2017. The URL for the webcast will be provided in the email confirming registration.

Visitor and security information for visitors to NIH is available at *http://www.nih.gov/about/visitor/index.htm.* Individuals with disabilities who need accommodation to participate in this event should contact Dr. Elizabeth Maull at phone: (919) 316–4668 or email: *maull@niehs.nih.gov.* TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

Request for Oral Public Statements: Each presentation will be followed by an opportunity for participants to ask questions of the presenter. Attendees need not register in advance for the opportunity to ask questions or make comments specific to presentations. Instructions for submitting questions or comments will be provided to remote participants prior to the webcast.

In addition to time for questions or comments following each scheduled presentation, time will be allotted during the meeting for oral public statements with associated slides on topics relevant to ICCVAM's mission and topics under discussion including the U.S. strategic roadmap. The number and length of presentations may be limited based on available time. Submitters will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting public statements and/or associated slides should include their name, affiliation (if any), mailing address, telephone, email, and sponsoring organization (if any) with the document. National Toxicology Program guidelines for public statements are at *http://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.*

Persons wishing to present oral public statements are encouraged to indicate on the registration form whether their comments will focus on ICCVAM agency activities or the U.S. strategic roadmap. They should also email their statement to *ICCVAMquestions@niehs.nih.gov* by May 12, 2017, to allow time for review by NICEATM and ICCVAM and posting to the meeting page prior to the forum. Written statements may supplement and expand the oral presentation. Public statements will be distributed to NICEATM and ICCVAM members before the meeting.

Registration for oral public statements will be available onsite, although onsite registration and time allotted for these statements may be limited based on the number of individuals who register to make statements and available time. If registering onsite and reading from written text, please bring 20 copies of the statement for distribution and to supplement the record.

Persons wishing to present oral public statements are strongly encouraged to present their comments in person to facilitate effective interaction with ICCVAM members. However, there will also be the opportunity to present public statements by teleconference line. Persons who are unable to attend the meeting in person and wish to present oral public statements should email *ICCVAMquestions@niehs.nih.gov* by May 12, 2017 to arrange to present statements via teleconference line.

Responses to this notice are voluntary. No proprietary, classified, confidential, or sensitive information should be included in statements submitted in response to this notice or presented during the meeting. This request for input is for planning purposes only and is not a solicitation for applications or an obligation on the part of the U.S. Government to provide support for any ideas identified in response to the request. Please note that the U.S. Government will not pay for the preparation of any information submitted or for its use of that information.

Background Information on ICCVAM and NICEATM: ICCVAM is an interagency committee composed of representatives from 16 federal regulatory and research agencies that require, use, generate, or disseminate toxicological and safety testing information. ICCVAM conducts technical evaluations of new, revised, and alternative safety testing methods and integrated testing strategies with regulatory applicability. ICCVAM also promotes the scientific validation and regulatory acceptance of testing methods that more accurately assess the safety and hazards of chemicals and products and replace, reduce, or refine animal use.

The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) establishes ICCVAM as a permanent interagency committee of the NIEHS and provides

the authority for ICCVAM involvement in activities relevant to the development of alternative test methods. ICCVAM acts to ensure that new and revised test methods are validated to meet the needs of federal agencies, increase the efficiency and effectiveness of federal agency test method review, and optimize utilization of scientific expertise outside the federal Government. Additional information about ICCVAM can be found at *http://ntp.niehs.nih.gov/go/iccvam.*

NICEATM administers ICCVAM, provides scientific and operational support for ICCVAM-related activities, and conducts and publishes analyses and evaluations of data from new, revised, and alternative testing approaches. NICEATM and ICCVAM work collaboratively to evaluate new and improved testing approaches applicable to the needs of U.S. federal agencies. NICEATM and ICCVAM welcome the public nomination of new, revised, and alternative testing approaches for validation studies and technical evaluations. Additional information about NICEATM can be found at *http://ntp.niehs.nih.gov/go/niceatm.*

Dated: April 13, 2017.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2017–08354 Filed 4–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Cancellation of Meeting

Notice is hereby given of the cancellation of the National Cancer Institute Special Emphasis Panel, May 1, 2017, 8:00 a.m. to May 2, 2017, 1:00 p.m., Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814 which was published in the **Federal Register** on March 22, 2017, 82 FR 54.

This meeting is being amended to cancel the meeting on May 1–2, 2017.

Dated: April 20, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–08348 Filed 4–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Chris Kornak, 240–627–3705, *chris.kornak@nih.gov.* Licensing information and copies of the U.S. patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

A Second CD4-Binding Region of HIV–1 gp120 Critical for Viral Infectivity: New Methods for Treatment and Vaccine Development

Description of Technology: It is believed that immunization with an effective immunogen based on the HIV–1 envelope glycoprotein can elicit a neutralizing antibody response, which may be protective against HIV–1 infection. NIAID researchers have discovered a new critical component of the CD4-binding site in gp120, named CD4–BS2, which is exclusively formed in the trimeric envelope conformation. It was further found that this newly recognized region is critical for the progression of the fusogenic mechanism that leads to HIV–1 entry and infection of the cells. This discovery may lead to new methods of treatment, for treating HIV–1, as well as to the production of new vaccine immunogens.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications: New target for HIV therapeutic and vaccine development.

Competitive Advantages: A new molecular target discovered in this invention may facilitate the development of next-generation HIV therapeutics and vaccines.

Development Stage: Proof-of-concept studies demonstrate that CD4 binding to CD4–BD2 is critical for triggering gp120 conformational changes that enable coreceptor binding and HIV–1 infectivity. Animal studies are ongoing.

Inventors: Paolo Lusso, NIAID, NIH; and Qingbo Liu, NIAID, NIH.

Publications: Liu, Qingbo, et al. ''Quaternary contact in the initial interaction of CD4 with the HIV–1 envelope trimer.'' *Nature Structural & Molecular Biology* (2017).

Intellectual Property: HHS Reference No. E–230–2015/0—U.S. Patent Application No. 62/292,750 filed 02/08/2016; PCT Application No. PCT/US2017/017038 filed 02/08/2017.

Licensing Contact: Chris Kornak, 240–627–3705, *chris.kornak@nih.gov.*

Collaborative Research Opportunity: The Technology Transfer and Intellectual Property Office (TTIPO) is seeking parties interested in collaborative research to further co-develop HIV–1 vaccines and/or inhibitors that target the newly recognized region. For collaboration opportunities, please contact Chris Kornak, 240–627–3705, *chris.kornak@nih.gov.*

Dated: April 10, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–08351 Filed 4–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (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 Aging Special Emphasis Panel; AD Genetic Variants in Human Cell Biology.

Date: May 23, 2017.

Time: 12:01 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, National Institute On Aging, National Institutes Of Health, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, 301–496–9374, *grimaldim2@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 20, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–08349 Filed 4–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (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: Center for Scientific Review Special Emphasis Panel; PAR Panel: Linking Provider Recommendation to Adolescent HPV Uptake.

Date: May 16, 2017.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tasmeen Weik, DRPH, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, 301–827–6480, *weikts@mail.nih.gov*.

Name of Committee: Cell Biology Integrated Review Group; Development—2 Study Section.

Date: May 25–26, 2017.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Rass M. Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–323: Small Research Grants for Establishing Basic Sciences Clinical Collaboration to Understand Structural Birth Defects.

Date: May 26, 2017.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Rass M. Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 19, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–08293 Filed 4–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov*. Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Live Attenuated Zika Virus Vaccine

Description of Technology

This application claims live attenuated Zika viruses and vaccines, attenuated chimeric Zika viruses and vaccines, and multivalent immunogenic compositions comprising Zika vaccines and vaccines for other flaviviruses. The chimeric Zika viruses claimed include a first nucleotide sequence encoding at least one structural protein from a Zika virus (ZIKV), a second nucleotide sequence encoding at least one nonstructural protein from a first flavivirus, and a third nucleotide sequence of a 3' untranslated region from a second flavivirus. The multivalent immunogenic compositions claimed comprise an attenuated ZIKV vaccine or an attenuated chimeric ZIKV vaccine (or their combination) together with one or more of a first attenuated virus that is immunogenic against dengue serotype 1, a second attenuated virus that is immunogenic against dengue serotype 2, a third attenuated virus that is immunogenic against dengue serotype 3, and a fourth attenuated virus that is immunogenic against dengue serotype 4. The present disclosure also claims methods of inducing immune responses, as well as preventing ZIKV and another flavivirus, *e.g.,* dengue virus.

Such a chimeric vaccine candidate may induce a humoral (antibody) and T-cell response to ZIKV, while the nonstructural proteins of dengue virus will likely induce a T-cell response. The dengue platform also contains a deletion in the TL2 stem-loop structure of the 3' untranslated region (UTR), called Δ30 and Δ30/31 attenuating mutations. The Δ30 deletion has proven to be one of the defining characteristics of the successful one dose dengue vaccine, which is currently in a large scale (17,000 patient) clinical trial in Brazil.

This technology is available for licensing for commercial development

in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

- Diagnostics
- Vaccines

Competitive Advantages

- One-dose vaccine
- Ease of manufacture
- Can be included in multivalent flavivirus vaccines

Development Stage

- In vivo data available (animal)

Inventors: S. Whitehead (NIAID), S. Woodson (NIAID), A. Pletnev (NIAID), K. Tsetsarkin (NIAID), A. Durbin (Johns Hopkins University)

Intellectual Property: HHS Reference No. E–118–2016/0, U.S. Provisional Patent Application Number 62/307,170, filed March 11, 2016, PCT Patent Application TBA filed March 11, 2017.

Licensing Contact: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize norovirus diagnostics or vaccines. For collaboration opportunities, please contact Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Dated: April 12, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–08350 Filed 4–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6034–N–01]

Notice of HUD-Held Multifamily and Healthcare Loan Sale (MHLS 2017–1)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of sale of two multifamily and eight healthcare mortgage loans.

SUMMARY: This notice announces HUD's intention to sell two unsubsidized multifamily and eight unsubsidized healthcare mortgage loans, without Federal Housing Administration (FHA) insurance, in a competitive, sealed bid sale on or about April 26, 2017 (MHLS 2017–1 or Loan Sale). This notice also describes generally the bidding process for the sale and certain persons who are ineligible to bid.

DATES: A Bidder's Information Package (BIP) was made available on or about March 29, 2017. Bids for the loans must be submitted on the bid date, which is currently scheduled for April 26, 2017 between certain specified hours. HUD anticipates that an award or awards will be made on or before May 1, 2017. Closing is expected to take place between May 4 and May 8, 2017.

ADDRESSES: To become a qualified bidder and receive the BIP, prospective bidders must complete, execute, and submit a Confidentiality Agreement and a Qualification Statement acceptable to HUD. Both documents will be available on the HUD Web site at *www.hud.gov/fhaloansales.* Please fax or email as well as mail executed original documents to JS Watkins Realty Partners, LLC:

JS Watkins Realty Partners, LLC, c/o The Debt Exchange, 33 Federal Street, 10th Floor, Boston, MA 02111, Attention: MHLS 2017–1 Sale Coordinator, Fax: 1–978–967–8607, Email: *mhls2017-1@debtx.com.*

FOR FURTHER INFORMATION CONTACT: John Lucey, Director, Asset Sales Office, Room 3136, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410–8000; telephone 202–402–3927. Hearing- or speech-impaired individuals may call 202–708–4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: HUD announces its intention to sell, in MHLS 2017–1, ten (10) unsubsidized mortgage loans (Mortgage Loans) consisting of seven first lien healthcare notes and one associated 2nd lien healthcare note secured by six assisted living facilities located in various locations within the U.S. mainland and one assisted living facility in St. Thomas, U.S. Virgin Islands. Additionally, HUD intends to sell in MHLS 2017–1 two first lien multifamily notes secured by two multifamily properties located in Fayetteville, North Carolina and Willimantic, Connecticut. The Mortgage Loans are non-performing mortgage loans. The listing of the Mortgage Loans is included in the BIP. The Mortgage Loans will be sold without FHA insurance and with HUD servicing released. HUD will offer qualified bidders an opportunity to bid competitively on the Mortgage Loans.

The Mortgage Loans will be stratified for bidding purposes into several mortgage loan pools. Each pool will contain Mortgage Loans that generally have similar performance, property type, geographic location, lien position and other characteristics. Qualified bidders may submit bids on one or more pools of Mortgage Loans or may bid on individual loans.

The Qualification Statement describes the entities/individuals that may be qualified to bid on the Mortgage Loans if they meet certain requirements as detailed in the Qualification Statement. Some entities/individuals must meet additional requirements in order to be qualified to bid, including but not limited to:

Any mortgagee/servicer who originated one or more of the Mortgage Loans; a mortgagor or an operator, with respect to any HUD insured or subsidized mortgage loan (excluding the Mortgage Loans being offered in the Loan Sale) who is currently in default, violation, or noncompliance with one or more of HUD's requirements or business agreements; a limited partner, nonmanaging member, investor and/or shareholder who owns a 1% or less interest in one or more of the Mortgage Loans, or in the project securing one or more of the Mortgage Loans; and any of the aforementioned entities'/individuals' principals, affiliates, family members, and assigns.

Interested entities/individuals who fall into one of these categories should review the Qualification Statement to determine whether they may be eligible to qualify to submit a bid on the Mortgage Loans. Other entities/individuals not described herein may also be restricted from bidding on the Mortgage Loans, as fully detailed in the Qualification Statement.

The Bidding Process

The BIP describes in detail the procedure for bidding in MHLS 2017–1. The BIP also includes a standardized non-negotiable loan sale agreement (Loan Sale Agreement).

As part of its bid, each bidder must submit a minimum deposit of the greater of One Hundred Thousand Dollars ($100,000) or ten percent (10%) of the aggregate bid prices for all of such Bidder's bids. In the event the Bidder's aggregate bid is less than One Hundred Thousand Dollars ($100,000), the minimum deposit shall be not less than fifty percent (50%) of the Bidder's aggregate bid. HUD will evaluate the bids submitted and determine the successful bid(s) in its sole and absolute discretion. If a bidder is successful, the bidder's deposit will be non-refundable and will be applied toward the purchase price, with any amount beyond the purchase price being returned to the bidder. Deposits will be returned to

unsuccessful bidders after notifiction to sucessful bidders on or before May 1, 2017. Closings are expected to take place between May 4, 2017 and May 8, 2017.

These are the essential terms of sale. The Loan Sale Agreement, which is included in the BIP, contains additional terms and details. To ensure a competitive bidding process, the terms of the bidding process and the Loan Sale Agreement are not subject to negotiation.

Due Diligence Review

The BIP describes the due diligence process for reviewing loan files in MHLS 2017–1. Qualified bidders will be able to access loan information remotely via a high-speed Internet connection. Further information on performing due diligence review of the Mortgage Loans is provided in the BIP.

Mortgage Loan Sale Policy

HUD reserves the right to add Mortgage Loans to or delete Mortgage Loans from MHLS 2017–1 at any time prior to the Award Date. HUD also reserves the right to reject any and all bids, in whole or in part, without prejudice to HUD's right to include the Mortgage Loans in a later sale. The Mortgage Loans will not be withdrawn after the award date except as is specifically provided for in the Loan Sale Agreement.

This is a sale of unsubsidized mortgage loans, pursuant to Section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997 (12 U.S.C. 1715z–11a(a)).

Mortgage Loan Sale Procedure

HUD selected a competitive sale as the method to sell the Mortgage Loan. This method of sale optimizes HUD's return on the sale of these Mortgage Loans, affords the greatest opportunity for all qualified bidders to bid on the Mortgage Loans, and provides the most efficient vehicle for HUD to dispose of the Mortgage Loans.

Bidder Eligibility

In order to bid in the sale, a prospective bidder must complete, execute and submit both a Confidentiality Agreement and a Qualification Statement acceptable to HUD. The following individuals and entities are among those ineligible to bid on the Mortgage Loans being sold in MHLS 2017–1:

1. A mortgagor or operator with respect to one or more of the Mortgage Loans being offered in the Loan Sale, or an Active Shareholder (as such term is defined in the Qualification Statement);

2. Any individual or entity, and any Related Party (as such term is defined in the Qualification Statement) of such individual or entity, that is a mortgagor or operator with respect to any of HUD's multifamily and/or healthcare programs (excluding the Mortgage Loans being offered in the Loan Sale) and that has failed to file financial statements or is otherwise in default under such mortgage loan or is in violation or noncompliance of any regulatory or business agreements with HUD and fails to cure such default or violation by no later than April 12, 2017;

3. Any individual or entity that is debarred, suspended, or excluded from doing business with HUD pursuant to Title 2 of the Code of Federal Regulations, Part 2424;

4. Any contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director, principal or affiliate of any of the foregoing) who performed services for, or on behalf of, HUD in connection with MHLS 2017–1;

5. Any employee of HUD, a member of such employee's family, or an entity owned or controlled by any such employee or member of such an employee's family;

6. Any individual or entity that uses the services, directly or indirectly, of any person or entity ineligible under provisions (3) through (5) above to assist in preparing its bid on any Mortgage Loan;

7. An FHA-approved mortgagee, including any principals, affiliates, or assigns thereof, that has received FHA insurance benefits for one or more of the Mortgage Loans being offered in the Loan Sale;

8. An FHA-approved mortgagee and/or loan servicer, including any principals, affiliates, or assigns thereof, that originated one or more of the Mortgage Loans being offered in the Loan Sale if the Mortgage Loan defaulted within two years of origination and resulted in the payment of an FHA insurance claim;

9. Any affiliate, principal or employee of any person or entity that, within the two-year period prior to April 1, 2017, serviced any Mortgage Loan or performed other services for or on behalf of HUD;

10. Any contractor or subcontractor to HUD that otherwise had access to information concerning any Mortgage Loan on behalf of HUD or provided services to any person or entity which, within the two-year period prior to April 1, 2017, had access to information with respect to the Mortgage Loan on behalf of HUD; and/or

11. Any employee, officer, director or any other person that provides or will provide services to the prospective bidder with respect to the Mortgage Loans during any warranty period established for the Loan Sale, that serviced the Mortgage Loans or performed other services for or on behalf of HUD or within the two-year period prior to April 1, 2017, provided services to any person or entity which serviced, performed services or otherwise had access to information with respect to any Mortgage Loan for or on behalf of HUD.

Other entities/individuals not described herein may also be restricted from bidding on the Mortgage Loans, as fully detailed in the Qualification Statement.

The Qualification Statement provides further details pertaining to eligibility requirements. Prospective bidders should carefully review the Qualification Statement to determine whether they are eligible to submit bids on the Mortgage Loans in MHLS 2017–1.

Freedom of Information Act Requests

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding MHLS 2017–1, including, but not limited to, the identity of any successful bidder and its bid price or bid percentage for the Mortgage Loans, upon the closing of the sale of the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to MHLS 2017–1, HUD will have the right to disclose any information that HUD is obligated to disclose pursuant to the Freedom of Information Act and all regulations promulgated thereunder.

Scope of Notice

This notice applies to MHLS 2017–1 and does not establish HUD's policy for the sale of other mortgage loans.

Dated: April 19, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–08411 Filed 4–21–17; 11:15 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5858–N–06]

Announcement of the Housing Counseling Federal Advisory Committee Notice of Public Meeting

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Housing Counseling Federal Advisory Committee (HCFAC) public meeting.

SUMMARY: This gives notice of a Housing Counseling Federal Advisory Committee (HCFAC) meeting and sets forth the proposed agenda. The Committee meeting will be held on Monday, May 15, 2017. The meeting is open to the public and is accessible to individuals with disabilities.

DATES: The in-person meeting will be held on Monday, May 15, 2017 from 8:30 a.m. to 5:30 p.m. Eastern Daylight Time (EDT) at Constitution Center, Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024 and via conference phone.

FOR FURTHER INFORMATION CONTACT: Marjorie George, Housing Program Technical Specialist, Office of Housing Counseling, U.S. Department of Housing and Urban Development, 200 Jefferson Avenue, Suite 300, Memphis, TN 38103; telephone number (901) 544–4228 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339 (toll-free number). Individuals may also email *HCFACCommittee@hud.gov.*

SUPPLEMENTARY INFORMATION: HUD is convening the meeting of the HCFAC on Monday, May 15, 2017 from 8:30 a.m. to 5:30 p.m. EDT. The meeting will be held at Constitution Center, Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024 and via conference phone. This meeting notice is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2).

Draft Agenda—Housing Counseling Federal Advisory Committee Meeting—May 15, 2017

I. Welcome
II. Panel Discussions—Expanding Access to and Sustainability of HUD Housing Counseling
III. Public Comment
IV. HCFAC Discussion
V. Next Steps
VI. Adjourn

Registration

The public is invited to attend this one-day meeting in-person or by phone. Advance registration is required to participate. To register to attend, please visit the following link: *https://pavr.wufoo.com/forms/hcfac-meeting-registration-51517/.*

After completing the pre-registration process at the above link, in-person attendees will receive details about the meeting location and how to access the building. The meeting is also open to the public with limited phone lines available on a first-come, first-served basis. Phone attendees can call-in to the one-day meeting by using the following number in the United States: (800) 230–1074 (toll-free number). An operator will ask callers to provide their names and their organizational affiliations (if applicable) prior to placing callers into the conference line to ensure they are part of the pre-registration list. Callers can expect to incur charges for calls they initiate over wireless lines and HUD will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number. Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS): (800) 977–8339 (toll-free number) and providing the FRS operator with the conference call number: (800) 230–1074.

Comments

With advance registration, members of the public will have an opportunity to provide oral and written comments relative to the four agenda topics for the Committee's consideration. To provide oral comments, please be sure to indicate this on the registration link. The total amount of time for oral comments will be 15 minutes with each commenter limited to two minutes to ensure pertinent Committee business is completed. Written comments must be provided no later than May 5, 2017 to *HCFACCommittee@hud.gov.* Please note, written statements submitted will not be read during the meeting. The Committee will not respond to individual written or oral statements; but, will take all public comments into account in its deliberations.

Meeting Records

Records and documents discussed during the meeting, as well as other information about the work of this Committee, will be available for public viewing as they become available at: *http://www.facadatabase.gov/committee/committee.aspx?cid=2492&aid=77* by clicking on the ''Committee Meetings'' link.

Dated: April 12, 2017.

Genger Charles,

General Deputy Assistant, Secretary for Housing.

[FR Doc. 2017–08331 Filed 4–24–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2017–N036; FXES11130800000–178–FF08EVEN00]

Receipt of Application for Incidental Take Permit; Low-Effect Habitat Conservation Plan for the Phillips 66 Cal Coast Pipeline Replacement Project, Santa Barbara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received an application from Phillips 66 Pipeline LLC, for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered California tiger salamander (Santa Barbara distinct population segment) and the threatened California red-legged frog, incidental to otherwise lawful activities associated with the Cal Coast Pipeline Replacement Project Habitat Conservation Plan. We invite public comment.

DATES: Written comments should be received on or before May 25, 2017.

ADDRESSES: You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement on the internet at *http://www.fws.gov/ventura/,* or you may request copies of the documents by U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**). Please address written comments to Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You may alternatively send comments by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Rachel Henry, Fish and Wildlife Biologist, at the above address or by calling (805) 644–1766.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service),

have received an application from Phillips 66 Pipeline, LLC (applicant), for an incidental take permit under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* Act). The applicant has agreed to follow all of the conditions in the habitat conservation plan for the project. The permit would authorize take of the Santa Barbara distinct population segment of the federally endangered California tiger salamander (*Ambystoma californiense*), as well as the threatened California red-legged frog (*Rana draytonii*), incidental to otherwise lawful activities associated with the Cal Coast Pipeline Replacement Project Habitat Conservation Plan (HCP). We invite public comment on the application, the draft habitat conservation plan, draft low-effect screening form, and environmental action statement.

Background

The Santa Barbara distinct population segment of the California tiger salamander was listed by the Service as endangered on January 19, 2000 (65 FR 3096). The California red-legged frog was listed by the Service as threatened on May 23, 1996 (61 FR 25813). Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the Act to include the following activities: ''[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the Act as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations at 50 CFR 17.32 and 17.22, respectively. Under the Act, protections for federally listed plants differ from the protections afforded to federally listed animals. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. All species included in the incidental take permit would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

The applicants have applied for a permit for incidental take of the California tiger salamander and California red-legged frog. The potential taking would occur as a result of activities associated with the construction of the new Cal Coast Pipeline in suitable habitat for the covered species.

Our Preliminary Determination

The Service has made a preliminary determination that issuance of the permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.;* NEPA), nor will it individually or cumulatively have more than a negligible effect on the species covered in the HCP. Therefore, the permit qualifies for a categorical exclusion under NEPA.

Public Comments

If you wish to comment on the permit application, plan, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: April 18, 2017.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2017–08313 Filed 4–24–17; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLID910000.L18300000. XG0000.LXSSD0570000.4500104697]

Notice of Mailing/Street Address Change for the BLM-Challis Field Office, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The mailing/street address for the Bureau of Land Management (BLM) Challis Field Office will change from 1151 Blue Mountain Road, Challis, Idaho 83226 to street address 721 East Main Avenue, Suite 8, Challis, Idaho 83226 and mailing address P.O. Box 817, Challis, Idaho 83226.

DATES: The date for the change will be on or about May 1, 2017.

ADDRESSES: The new street address of the BLM Challis Field Office will be 721 East Main Avenue, Suite 8, Challis, Idaho 83226. The office's new mailing address will be P.O. Box 817, Challis, Idaho 83226.

FOR FURTHER INFORMATION CONTACT: Richard Alvarez, Lead Property Management Specialist, BLM Idaho State Office, (208) 373–3916, *ralvarez@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to leave a message or question for Mr. Alvarez. The FRS is available 24 hours a day, seven days a week. You will receive a reply during normal business hours.

Authority: Department of the Interior Departmental Manual Part 382, Chapter 2.1.

Timothy M. Murphy,

BLM Idaho State Director.

[FR Doc. 2017–08329 Filed 4–24–17; 8:45 am]

BILLING CODE 4310–GG–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–576–577 and 731–TA–1362–1367 (Preliminary)]

Cold-Drawn Mechanical Tubing From China, Germany, India, Italy, Korea, and Switzerland; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–576–577 and 731–TA–1362–1367 (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 cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland, provided

for in subheadings 7304.31.30, 7304.31.60, 7304.51.10, 7304.51.50, 7306.30.50, and 7306.50.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Governments of China and India. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by June 5, 2017. The Commission's views must be transmitted to Commerce within five business days thereafter, or by June 12, 2017.

DATES: Effective April 19, 2017.

FOR FURTHER INFORMATION CONTACT: Keysha Martinez (202–205–2136), 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.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on April 19, 2017, by ArcelorMittal Tubular Products, Shelby, Ohio; Michigan Seamless Tube, LLC, South Lyon, Michigan; PTC Alliance Corp., Wexford, Pennsylvania; Webco Industries, Inc., Sand Springs, Oklahoma; and Zekelman Industries, Inc., Farrell, Pennsylvania.

For further information concerning the conduct of these investigations 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 investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations 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 and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations 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 these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, 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 these investigations for 9:30 a.m. on Wednesday, May 10, 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 May 8, 2017. Parties in support of the imposition of countervailing and antidumping duties in these investigations 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 May 15, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigations. 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 investigations must be served on all other parties to the investigations (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.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are 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 20, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–08361 Filed 4–24–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Submission for OMB Review; Comment Request; Agency Proposal for the Collection of Information Submitted to the Office of Management and Budget (OMB) for Review; Comment Request

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the provisions of the Paperwork Reduction Act of 1995, the Commission has submitted a proposal for the collection of information to OMB for approval. The proposed information collection is a 3-year extension of the current ''generic clearance'' (approved by the Office of Management and Budget under control No. 3117–0016) under which the Commission can issue information collections (specifically, producer, importer, purchaser, and foreign producer questionnaires and certain institution notices) for the following types of import injury investigations: Antidumping, countervailing duty, escape clause, market disruption, NAFTA safeguard, and ''interference with programs of the USDA.'' Any comments submitted to OMB on the proposed information collection should be specific, indicating which part of the questionnaires or study plan are objectionable, describing the issue in detail, and including specific revisions or language changes.

DATES: To be assured of consideration, comments should be submitted to OMB by May 25, 2017.

ADDRESSES: Comments about the proposal should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Attention: Wendy Liberante, Desk Officer for U.S. International Trade Commission. Copies of any comments should be provided to Jeremy Wise (U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436).

FOR FURTHER INFORMATION CONTACT: Copies of the proposed collection of information and supporting documentation may be obtained from Nathanael Comly (USITC, *nathanael.comly@usitc.gov;* 202–205–3174). 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 (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION:

(1) The proposed information collection consists of five forms, namely the *Sample Producers', Sample Importers', Sample Purchasers', and Sample Foreign Producers' questionnaires* (separate forms are provided for questionnaires issued for the five-year reviews), *Sample Administrative Protective Order Application Form* and *Sample Notice of Institution for Five-Year Reviews.*

(2) The types of items contained within the sample questionnaires, administrative protective order application, and institution notice are largely determined by statute. Actual questions formulated for use in a specific investigation depend upon such factors as the nature of the industry, the relevant issues, the ability of respondents to supply the data, and the availability of data from secondary sources.

(3) The information collected through questionnaires issued under the generic clearance for import injury investigations is consolidated by Commission staff and forms much of the statistical base for the Commission's determinations. Affirmative Commission determinations in antidumping and countervailing duty investigations result in the imposition of duties on imports entering the United States, determined by the Department of Commerce, which are in addition to any normal customs duties. If the Commission makes an affirmative determination in a five-year review, the existing antidumping or countervailing duty order remains in place. The data developed in escape-clause, market disruption, and interference-with-USDA-program investigations (if the Commission finds affirmatively) are used by the President/U.S. Trade Representative to determine the type of relief, if any, to be provided to domestic industries.

The submissions made to the Commission of the administrative protective order application form forms the basis for which parties are granted disclosure of business proprietary information. The submissions made to the Commission in response to the notices of institution of five-year reviews form the basis for the Commission's determination as to whether a full or expedited review should be conducted.

(4) Likely respondents consist of businesses (including foreign businesses) or farms that produce, import, or purchase products under investigation. Estimated total annual reporting burden for the period July 2017–June 2020 that will result from the collection of information is presented below.

TABLE 1—PROJECTED ANNUAL BURDEN DATA, BY TYPE OF INFORMATION COLLECTION, JULY 2017–JUNE 2020

Item	Producer questionnaires	Importer questionnaires	Purchaser questionnaires	Foreign producer questionnaires	Institution notices for 5-year reviews	Other [1]	Total
Number of respondents	750	2,000	1,600	1,400	183	856	6,789
Frequency of response	1	1	1	1	1	1	1
Total annual responses	750	2,000	1,600	1,400	183	856	6,789
Hours per response	52	41	23	22	10	3	28.4
Total hours	39,000	82,000	36,800	30,800	1,830	2,568	192,998

[1] *e.g.* Administrative Protective Order forms and questionnaires to purchasers in the adequacy phase of a review investigation.

No record keeping burden is known to result from the proposed collection of information.

By order of the Commission.

Dated: April 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–08258 Filed 4–24–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1050]

Certain Dental Ceramics, Products Thereof, and Methods of Making the Same Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 17, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Ivoclar Vivadent AG of Schaan, Liechtenstein; Ivoclar Vivadent, Inc. of Amherst, New York; and Ardent, Inc. of Amherst, New York. A supplement to the complaint was filed on April 3, 2017. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dental ceramics, products thereof, and methods of making the same by reason of infringement of certain claims of U.S. Patent No. 7,452,836 (''the '836 patent''); U.S. Patent No. 6,517,623 (''the '623 patent''); U.S. Patent No. 6,802,894 (''the '894 patent''); and U.S. Patent No. 6,455,451 (''the '451 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 18, 2017, *Ordered That—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain dental ceramics, products thereof, and methods of making the same by reason of infringement of one or more of claims 1, 2, 4, 5, 7, 10, 12, 13, 15–19, and 22 of the '836 patent; claim 27 of the '623 patent; claims 1, 2, 4, 12, 16, 21, 23, 38, and 39 of the '894 patent; and claims 3, 4, 17, 18, 19, 30, 52, 53, and 61 of the '451 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(e)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Ivoclar Vivadent AG, Benderestrasse 2, FL–9494, Schaan, Liechtenstein

Ivoclar Vivadent, Inc., 175 Pineview Drive, Amherst, NY 14228

Ardent, Inc., 175 Pineview Dr., Amherst, NY14228

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

GC Corporation, 3–2–14 Hongo, Bunkyo-ku, Tokyo 113–0033 Japan

GC America, Inc., 3737 W. 127th Street, Alsip, IL 60803

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–08259 Filed 4–24–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Robotic Vacuum Cleaning Devices and Components Thereof Such as Spare Parts, DN 3216;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of iRobot Corporation on April 18, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain robotic vacuum cleaning devices and components thereof such as spare parts. The complaint names as respondents Bissell Homecare, Inc. of Grand Rapids, MI; Hoover Inc. of Glenwillow, OH; Royal Appliance Manufacturing Co., Inc. d/b/a TTI Floor Care North America, Inc. of Glenwillow, OH; Bobsweep, Inc. of Canada; Bobsweep USA of Henderson, NV; The Black & Decker Corporation of Towson, MD; Black and Decker (U.S.) Inc. of Towson, MD; Shenzhen ZhiYi Technology Co., Ltd. d/b/a iLife of China; Matsutek Enterprises Co., Ltd. of Taiwan; Suzhou Real Power Electric Appliance Co., Ltd. of China; and Shenzhen Silver Star Intelligent Technology Co., Ltd. of China. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3216'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel [2], solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Dated: April 18, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–08232 Filed 4–24–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Janssen Ortho LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before May 25, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before May 25, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on December 16, 2016, Janssen Ortho LLC, State Road 933 DM 0.1 Mamey Ward, Gurabo, Puerto Rico 00778 applied to be registered as an importer of tapentadol (9780), a basic class of controlled substance listed in schedule II.

The company plans to import an intermediate form of tapentadol (9780) to bulk manufacture tapentadol for distribution to its customers.

Dated: April 18, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–08345 Filed 4–24–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Cedarburg Pharmaceuticals

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before June 26, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on June 1, 2016, Cedarburg Pharmaceuticals Inc., A Division of Albany Molecular Research Inc. (AMRI), 870 Badger Circle, Grafton, Wisconsin 53024 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled Substance	Drug Code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Lisdexamfetamine	1205	II
4-Anilino-N-phenethyl-4-piperidine (ANPP).	8333	II
Remifentanil	9739	II
Fentanyl	9801	II

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. In reference to drug codes 7360 marihuana, the company plans to bulk manufacture cannabidiol as a synthetic intermediate. This controlled substance will be further synthesized to bulk manufacture a synthetic tetrahydrocannabinols 7370. No other activity for this drug code is authorized for this registration.

Dated: April 18, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–08343 Filed 4–24–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Cambridge Isotope Laboratories

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before May 25, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before May 25, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement

Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers importers, and exporters of, controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on August 25, 2016, Cambridge Isotope Laboratories, 50 Frontage Road, Andover, Massachusetts 01810 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Lysergic acid diethylamide	7315	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
3,4-Methylenedioxyamphetamine	7400	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Heroin	9200	I
Pentobarbital	2270	II
Secobarbital	2315	II
Phencyclidine	7471	II
Cocaine	9041	II
Dihydrocodeine	9120	II
Ecgonine	9180	II
Meperidine	9230	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Fentanyl	9801	II

The company plans to import the listed controlled substances for analytical research, testing and clinical trials.

Dated: April 18, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–08346 Filed 4–24–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Siegfried USA, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before June 26, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on November 22, 2016, Siegfried USA, LLC, 33 Industrial Park Road, Pennsville, New Jersey 08070 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Dihydromorphine	9145	I
Hydromorphinol	9301	I
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II

Controlled substance	Drug code	Schedule
Codeine	9050	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Methadone	9250	II
Methadone intermediate	9254	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Opium tincture	9630	II
Oxymorphone	9652	II

The company plans to manufacturer the listed controlled substances in bulk for distribution to its customers.

Dated: April 18, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–08347 Filed 4–24–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Sigma Aldrich Research Biochemicals, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before June 26, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on December 19, 2016, Sigma Aldrich Research Biochemicals, Inc., 1–3 Strathmore Road, Natick, Massachusetts 01760–2447 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Methcathinone	1237	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
Aminorex	1585	I
Alpha-ethyltryptamine	7249	I
Lysergic acid diethylamide	7315	I
Tetrahydrocannabinols	7370	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
3,4-Methylenedioxyamphetamine	7400	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
N-Benzylpiperazine	7493	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Heroin	9200	I
Normorphine	9313	I
Norlevorphanol	9634	I
Amphetamine	1100	II
Methamphetamine	1105	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
Cocaine	9041	II
Codeine	9050	II
Ecgonine	9180	II

Controlled substance	Drug code	Schedule
Levomethorphan	9210	II
Levorphanol	9220	II
Meperidine	9230	II
Metazocine	9240	II
Methadone	9250	II
Morphine	9300	II
Thebaine	9333	II
Levo-alphacetylmethadol	9648	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Fentanyl	9801	II

The company plans to manufacture reference standards.

Dated: April 18, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–08344 Filed 4–24–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0064]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection: Annual Parole Survey, Annual Probation Survey

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 26, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Danielle Kaeble, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Danielle.Kaeble@usdoj.gov;* telephone: 202–305–2017).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Annual Parole Survey, Annual Probation Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers for the questionnaire are CJ–7 Annual Parole Survey; CJ–8 Annual Probation Survey; CJ–8a Annual Probation Survey (Short Form). The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State departments of corrections or state probation and parole authorities.

Others: The Federal Bureau of Prisons, city and county courts and probation offices for which a central reporting authority does not exist. For the CJ–7 form, the affected public consists of 53 respondents including 51 central reporters (two state respondents in Pennsylvania, and one each from the remaining states), the District of Columbia, and the Federal Bureau of Prisons responsible for keeping records on parolees. For the CJ–8 form, the affected public includes 305 reporters including 35 state respondents, the District of Columbia, the Federal Bureau of Prisons, and 268 from local authorities responsible for keeping records on probationers. For the CJ–8A form, the affected public includes 151 reporters who are all local authorities responsible for keeping records on probationers. The Annual Parole Survey and Annual Probation surveys have been used since 1977 to collect annual yearend counts and yearly movements of community corrections populations; characteristics of the community supervision population, such as gender, racial composition, ethnicity, conviction status, offense, and supervision status.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 509 respondents each taking an average of 1.63 hours to respond.

6. *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 830 total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: April 20, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–08342 Filed 4–24–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–NEW]

Agency Information Collection Activities: Revision to a Currently Approved Collection; Comments Requested: Diversity in Law Enforcement Recruitment Survey

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is a new instrument.

DATES: Comments are encouraged and will be accepted for an additional 60 days until June 26, 2017 after this notice is published in the **Federal Register**. This process is conducted in accordance with 5 CFR 1320.10.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lashon M. Hilliard, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530.

Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New information collection.

(2) *Title of the Form/Collection:* Diversity in Law Enforcement Recruitment Survey.

(3) *The agency form number 1103–***** U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Law Enforcement Agencies and community partners.

Abstract: The purpose of this project is to improve the practice of community policing throughout the United States by supporting the development of a series of tools that will allow law enforcement agencies to gain better insight into the depth and breadth of their community policing activities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that approximately 1 respondent will respond with an average of 50 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated time burden is 50 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: April 20, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–08312 Filed 4–24–17; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0050]

Standard on the Storage and Handling of Anhydrous Ammonia; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements specified in the Storage and Handling of Anhydrous Ammonia Standard. Paragraphs (b)(3) and (b)(4) of the Standard have paperwork requirements that apply to non-refrigerated containers and systems and refrigerated containers, respectively; employers use these containers and systems to store and transfer anhydrous ammonia in the workplace.

DATES: Comments must be submitted (postmarked, sent, or received) by June 26, 2017.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2010–0050, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number (Docket No. OSHA 2010–0050) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket

without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) (authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act, or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with minimum burden upon employers, especially those operating small businesses and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Paragraph (b)(3) of the Standard specifies that systems have nameplates if required, and that these nameplates ''be permanently attached to the system (as specified by paragraph (b)(3)(ii)(j)) so as to be readily accessible for inspection . . . .'' In addition, this paragraph requires that markings on containers and systems covered by paragraphs (c) (''Systems utilizing stationary, nonrefrigerated storage containers''), (f) (''Tank motor vehicles for the transportation of ammonia''), (g) (''Systems mounted on farm vehicles other than for the application of ammonia''), and (h) (''Systems mounted on farm vehicles for the application of ammonia'') provide information regarding nine specific characteristics of the containers and systems. Similarly, paragraph (b)(4) of the Standard specifies that refrigerated containers be marked with a nameplate on the outer covering in an accessible place that provides information regarding eight specific characteristics of the container.

The required markings ensure that employers use only properly designed and tested containers and systems to store anhydrous ammonia, thereby preventing accidental release of, and exposure of workers to, this highly toxic and corrosive substance.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply-for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements specified in the Anhydrous Ammonia Standard (29 CFR 1910.111). The Agency is requesting that it retain its previous estimate of 345 burden hours associated with this Standard. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Standard on the Storage and Handling of Anhydrous Ammonia (29 CFR 1910.111).

OMB Control Number: 1218–0208.

Affected Public: Business or other for-profit; farms.

Number of Respondents: 198,000.

Total Responses: 198,000.

Frequency of Responses: On occasion.

Average Time 10 minutes (.17 hour) for a worker to replace or revise markings on ammonia containers.

Estimated Total Burden Hours: 337.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number (OSHA Docket No. 2010–0050) for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information, such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is

available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Dated: April 13, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–08230 Filed 4–24–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0022]

Requirements for the OSHA Training Institute Education Centers Program and the OSHA Outreach Training Program; Requesting the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits comments concerning its proposal to extend the OMB approval of the information collection requirements contained in the OSHA Training Institute Education Centers Program and the OSHA Outreach Training Program.

DATES: Comments must be submitted (postmarked, sent, or received) by June 26, 2017.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at

http://www.regulations.gov, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than ten (10) pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit your comments and attachments to the OSHA Docket Office, (Docket No. OSHA–2009–0022), U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3653, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA–2009–0022) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may contact Annette Braam, Assistant Director, Office of Training and Educational Programs, or Jim Brock, OSHA Training Institute Education Centers Program, at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Annette Braam, Assistant Director, Office of Training and Educational Programs, or Jim Brock, OSHA Training Institute Education Centers Program, Directorate of Training and Education, OSHA, U.S. Department of Labor, 2020 S. Arlington Heights Rd., Arlington Heights, IL. 60005–4102; Phone: (847) 759–7781.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. Consistent with the authority of Section 21 of the OSH Act, the Agency created two educational programs, the OSHA Training Institute (OTI) Education Centers Program and the OSHA Outreach Training Program (Outreach).

To be a participant in the OTI Education Centers Programs or the Outreach Training Program, an individual/organization must provide the Agency with certain information. The requested information is necessary to evaluate the applicant organization and to implement, oversee, and monitor the OTI Education Centers and Outreach Training Programs, courses and trainers. The 11 collection of information requirements are listed below.

A. Application to become an OSHA Training Institute Education Center (OTI Education Center);

B. OTI Education Centers Monthly Summary Report for the OTI Education Centers and the Outreach Training Program Monthly Summary Report;

C. Statement of Compliance with Outreach Training Program Requirements;

D. Outreach Training Program Report Forms (includes Construction, General Industry, Maritime, and Disaster Site);

E. Online Outreach Training Program Report;

F. Active Trainer List;

G. OSHA Training Institute Student Survey (OSHA Form 49 11–05 Edition) (OMB 1225–0059) (Attachment I, OSHA Form 49 11–05 Edition).

H. Attendance Documentation for OTI Education Centers;

I. Outreach Online Training Certification Statement

J. Instructor and Staff Resumes (this includes anyone who may be assigned to conduct OSHA classes, contractor, subcontractor, employee, adjunct professor, etc.;

K. Course Material upon Request by OSHA from OTI Education Centers.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements,

including the validity of the methodology and assumptions used;

- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply- for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting a 1,621 burden hour adjustment increase as a result of increasing the number of courses offered and the number of students attending these courses. The Agency will summarize comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a previously approved collection.

Title: OSHA Training Institute (OTI) Education Centers Program, and OSHA Outreach Training Program Data Collection.

OMB Control Number: 1218–0262.

Affected Public: Not-for-profit institutions; Federal government; State, local and tribal governments.

Number of Respondents: 385.

Frequency: On occasion.

Total Responses: 53,352.

Average Time per Response: Ranges from 5 minutes for OTI Education Centers to provide OSHA a list of outreach trainers to 60 hours for a not-for-profit institution to prepare and submit an application to become an OTI Education Center.

Estimated Total: Burden hours: 15,913.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2009–0022). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled ADDRESSES). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, TTY (877) 889–5627.

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Dated: April 11, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–08242 Filed 4–24–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0023]

Overhead and Gantry Cranes; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comment concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Standard on Overhead and Gantry Cranes.

DATES: Comments must be submitted (postmarked, sent, or received) by June 26, 2017.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2010–0023, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3653, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA–2010–0023) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance,

OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The paperwork provisions of the Standard specify requirements for: marking the rated load of cranes; preparing certification records to verify the inspection of the crane hooks, hoist chains, and rope; and preparing reports of rated load tests for repaired hooks or modified cranes. Records and reports must be maintained and disclosed upon request.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply-for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting an adjustment decrease of 35 burden hours, from 321,380 to 321,345 burden hours. This adjustment decrease in burden hours is due to the Agency removing burden hours for the disclosure of information during an inspection. Table 1 below describes each of the requested burden hours.

Type of Review: Extension of a currently approved collection.

Title: Overhead and Gantry Cranes (29 CFR 1910.179).

OMB Control Number: 1218–0224.

Affected Public: Business or other for-profits.

Number of Respondents: 642,566.

Frequency: On occasion; monthly; semi-annually.

Average Time per Response: Various.

Estimated Total Burden Hours: 321,345.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2010–0023). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Dated: April 11, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–08239 Filed 4–24–17; 8:45 am]

BILLING CODE 4510–26–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 16–CRB–0020–CD (2015)]

Distribution of 2015 Cable Royalty Funds

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice requesting comments.

SUMMARY: The Copyright Royalty Judges solicit comments on a motion of Allocation Phase Claimants for partial distribution of 2015 cable royalty funds.

DATES: Comments are due on or before May 25, 2017.

ADDRESSES: Interested claimants must submit comments to only one of the following addresses. Unless responding by email or online, claimants must submit an original, five paper copies, and an electronic version on a CD.

Email: crb@loc.gov; or

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty

Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, Program Specialist, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: Each year cable systems must submit royalty payments to the Register of Copyrights as required by the statutory license set forth in section 111 of the Copyright Act for the retransmission to cable subscribers of over-the-air television and radio broadcast signals. *See* 17 U.S.C. 111(d). The Copyright Royalty Judges (Judges) oversee distribution of royalties to copyright owners whose works were included in a qualifying transmission and who timely filed a claim for royalties. Allocation of the royalties collected occurs in one of two ways.

In the first instance, the Judges may authorize distribution in accordance with a negotiated settlement among all claiming parties. 17 U.S.C. 111(d)(4)(A). If all claimants do not reach agreement with respect to the royalties, the Judges must conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 111(d)(4)(B). Alternatively, the Judges may, on motion of claimants and on notice to all interested parties, authorize a partial distribution of royalties, reserving on deposit sufficient funds to resolve identified disputes. 17 U.S.C. 111(d)(4)(C), 801(b)(3)(C).

On February 17, 2017, representatives of the Allocation Phase (formerly Phase I) Parties (''Allocation Phase Claimants'') [1] filed with the Judges a motion requesting a partial distribution amounting to 60% of the 2015 cable royalty funds pursuant to section 801(b)(3)(C) of the Copyright Act. 17 U.S.C. 801(b)(3)(C). That section requires that, before ruling on the motion, the Judges publish a notice in the **Federal Register** seeking responses to the motion for partial distribution to ascertain whether any claimant entitled to receive the subject royalties has a reasonable objection to the requested distribution.

Accordingly, this Notice seeks comments from interested claimants on whether any reasonable objection exists that would preclude the distribution of 60% of the 2015 cable royalty funds to the Allocation Phase Claimants. Parties objecting to the partial distribution must advise the Judges of the existence and extent of all objections by the end of the comment period. The Judges will not consider any objections with respect to the partial distribution motion that come to their attention after the close of the comment period.

The Judges have caused the Motion of the Allocation Phase Claimants for Partial Distribution to be posted on the Copyright Royalty Board Web site at *http://www.loc.gov/crb.*

Dated: April 19, 2017.

Suzanne M. Barnett,

Chief U.S. Copyright Royalty Judge.

[FR Doc. 2017–08289 Filed 4–24–17; 8:45 am]

BILLING CODE 1410–72–P

[1] The Allocation Phase Claimants are Program Suppliers; Joint Sports Claimants; Public Television Claimants; National Association of Broadcasters; American Society of Composers, Authors and Publishers; Broadcast Music, Inc.; SESAC, Inc.; Canadian Claimants Group; Devotional Claimants, and National Public Radio. In the Allocation Phase of a cable royalty distribution proceeding, the Judges allocate royalties among certain categories of claimants whose broadcast programming has been retransmitted by cable systems. The ''Allocation Phase Claimants'' who are the moving parties in this requested partial distribution represent traditional claimant categories. The Judges have not and do not by this notice determine the universe of claimant categories for 2015 cable retransmission royalties.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 6 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference.

DATES: All meetings are Eastern time and ending times are approximate:

International (review of applications): This meeting will be closed.

Date and time: May 4, 2017; 12:00 p.m. to 1:00 p.m.

Accessibility (review of applications): This meeting will be closed.

Date and time: May 8, 2017; 3:00 p.m. to 4:00 p.m.

Musical Theater (review of applications): This meeting will be closed.

Date and time: May 9, 2017; 1:00 p.m. to 3:00 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: May 16, 2017; 1:30 p.m. to 3:30 p.m.

Literature (review of applications): This meeting will be closed.

Date and time: May 17, 2017; 2:30 p.m. to 5:00 p.m.

Literature (review of applications): This meeting will be closed.

Date and time: May 18, 2017; 2:30 p.m. to 5:00 p.m.

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Sherry P. Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *hales@arts.gov,* or call 202/682–5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of July 5, 2016, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

Dated: April 19, 2017.

Sherry P. Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2017–08247 Filed 4–24–17; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the

required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by May 25, 2017. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address or *ACApermits@nsf.gov*.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2018–001

1. *Applicant:* John H. Postlethwait, University of Oregon, 1425 E. 13th Avenue, Eugene, OR 97403

Activity for Which Permit is Requested: Enter Antarctic Specially Protected Areas. A permit is requested to enter ASPA 152 (Western Bransfield Strait) and ASPA 153 (Eastern Dallmann Bay) using the ARSV Laurence M. Gould to capture Antarctic fish by trawling and trapping. The collected fish would be used to study the genetic regulatory mechanism in Antarctic fish biology and their adaptation to the cold Antarctic environment. Approximately 50 hours of trawling would be conducted in ASPA 152 and approximately 20 hours would be conducted in ASPA 153. Sixteen traps would be set and allowed to soak for a total of 6 days. It is anticipated that approximately four hundred (400) individual fish representing four species (*Notothenia coriiceps, Chaenocephalus aceratus, Champsocephalus gunnari, Gobionotothen gibberifrons*) would be captured in the ASPAs and used in the study. Live fishes would be transported to the aquarium facilities at Palmer Station for experimentation. Physiological and biochemical experiments would be conducted. All experimental animals would be humanely euthanized and properly disposed of outside the ASPAs.

Location: ASPA 152 Western Bransfield Strait and ASPA 153 Eastern Dallmann Bay.

Dates: June 28–September 3, 2017.

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2017–08040 Filed 4–24–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on May 4–6, 2017, 11545 Rockville Pike, Rockville, Maryland.

Thursday, May 4, 2017, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

10:00 a.m.–12:00 p.m.: Risk-Informed South Texas Project License Amendment Request (GSI–191 (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and STP Nuclear Operating Company regarding the safety evaluation associated with the subject license amendment request.

12:45 p.m.–2:15 p.m.: Consequential Steam Generator Tube Rupture (C–SGTR) (Open)—The Committee will hear briefings by representatives of the NRC staff regarding C–SGTR.

2:30 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

Friday, May 5, 2017, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Northwest Medical Isotopes Overview (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Northwest Medical Isotopes regarding the construction permit application. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

10:45 a.m.–12:15 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

1:00 p.m.–3:30 p.m.: Biennial Review and Evaluation of the NRC Safety Research Program (Open)—The Committee will hear presentations by and hold discussions with the Director of the Office of Nuclear Regulatory Research regarding the Committee's biennial review and evaluation of the NRC Safety Research Program.

3:30 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Saturday, May 6, 2017, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

11:30 a.m.–12:00 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016 (81 FR 71543). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated at Rockville, Maryland, this 19th day of April 2017.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2017–08290 Filed 4–24–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0222]

Information Collection: Enforcement Discretion for Operating Reactors and Gaseous Diffusion Plants

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, ''Notice of Enforcement Discretion (NOED) for Operating Power Reactors and Gaseous Diffusion Plants (NRC Enforcement Policy).''

DATES: Submit comments by June 26, 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–2016–0222. 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–2 F43, 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–2016–0222 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–2016–0222.

• *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 supporting statement is available in ADAMS under Accession No. ML16365A071.

• *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–2016–0222 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:* Notices of Enforcement Discretion (NOEDs) for Operating Power Reactors and Gaseous Diffusion Plants (GDP), (NRC Enforcement Policy).

2. *OMB approval number:* 3150–0136.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* N/A.

5. *How often the collection is required or requested:* On Occasion.

6. *Who will be required or asked to respond:* Those licensees that voluntarily request enforcement discretion through the NOED process.

7. *The estimated number of annual responses:* 8.

8. *The estimated number of annual respondents:* 4.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 680 (600 reporting + 80 recordkeeping).

10. *Abstract:* The NRC's Enforcement Policy includes the circumstances in which the NRC may grant a NOED. On occasion, circumstances arise when a power plant licensee's compliance with a Technical Specification (TS) Limiting Condition for Operation or any other license condition would involve an unnecessary plant shutdown or transient. Similarly, for a gaseous diffusion plant, circumstances may arise where compliance with a Technical Safety Requirement (TSR) or other condition would unnecessarily call for a total plant shutdown, or, compliance would unnecessarily place the plant in a condition where safety, safeguards, or security features were degraded or inoperable.

In these circumstances, a licensee or certificate holder may request that the NRC exercise enforcement discretion, and the NRC staff may choose to not enforce the applicable TS, TSR, or other license or certificate condition. This enforcement discretion is designated as a NOED.

A licensee or certificate holder seeking the issuance of a NOED must document and submit to the NRC by letter, in accordance with Inspection Manual Chapter 0410 (ADAMS Accession No. ML13071A487), the safety basis for the request, including an evaluation of the safety significance and potential consequences of the proposed request, a description of proposed compensatory measures, a justification for the duration of the request, the basis for the licensee's or certificate holder's conclusion that the request does not have a potential adverse impact on the public health and safety, and does not involve adverse consequences to the environment, and any other information the NRC staff deems necessary before making a decision to exercise discretion.

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 20th day of April 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–08330 Filed 4–24–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0104]

Biweekly Notice: Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from March 28, 2017, to April 10, 2017. The last biweekly notice was published on April 11, 2017.

DATES: Comments must be filed by May 25, 2017. A request for a hearing must be filed by June 26, 2017.

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–2017–0104. 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:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, 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: Lynn Ronewicz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1927, email: *lynn.ronewicz@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0104, facility name, unit number(s), plant docket number, application date, and subject, 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–2017–0104.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0104, facility name, unit number(s), plant docket number, application date, and subject, in your comment submission. The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any

limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by June 26, 2017. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with

10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station (CNS), Units 1 and 2, York County, South Carolina

Date of amendment request: December 15, 2016. A publicly-available version is in ADAMS under Accession No. ML16350A422.

Description of amendment request: The amendments would modify Technical Specification (TS) 3.6.3, ''Containment Isolation Valves,'' to add a Note to TS Limited Condition for Operation 3.6.3 Required Actions A.2, C.2 and E.2 to allow isolation devices that are locked, sealed, or otherwise secured to be verified by use of administrative means. This proposed change is consistent with Technical Specification Task Force (TSTF) Traveler TSTF–269–A, Revision 2, ''Allow Administrative Means of Position Verification for Locked or Sealed Valves.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes modify CNS TS 3.6.3, ''Containment Isolation Valves.'' This TS currently includes actions that require penetrations to be isolated and periodically verified to be isolated. A Note is proposed to be added to TS 3.6.3 Required Actions A.2, C.2, and E.2, to allow isolation devices that are locked, sealed, or otherwise secured to be verified by use of administrative means. The proposed changes do not affect any plant equipment, test methods, or plant operation, and is not an initiator of any analyzed accident sequence. The inoperable containment penetrations will continue to be isolated, and hence perform their isolation function. Operation in accordance with the proposed TSs will ensure that all analyzed accidents will continue to be mitigated as previously analyzed.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed changes will not affect the operation of plant equipment or the function of any equipment assumed in the accident analysis. Affected containment penetrations will continue to be isolated as required by the existing TS.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kate B. Nolan, Deputy General Counsel, Duke Energy Carolinas, LLC, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Michael T. Markley.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: December 15, 2016. A publicly-available version is in ADAMS under Accession No. ML16350A422.

Description of amendment request: The amendments would modify Technical Specification (TS) 3.1.8, ''PHYSICS TESTS Exceptions,'' to allow the numbers of channels required by the Limiting Condition for Operation (LCO) section of TS 3.3.1, ''Reactor Trip System (RTS) Instrumentation,'' to be reduced from ''4'' to ''3'' to allow one nuclear instrumentation channel to be used as an input to the reactivity computer for physics testing without placing the nuclear instrumentation channel in a tripped condition. This proposed change is consistent with Technical Specification Task Force (TSTF) Traveler TSTF–315–A, Revision 0, ''Reduce Plant Trips Due to Spurious Signals to the NIS During Physics Testing.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards

consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes revise TS 3.1.8, ''PHYSICS TESTS Exceptions,'' to allow the number of channels required by LCO 3.3.1, ''RTS Instrumentation,'' to be reduced from ''4'' to ''3,'' to allow one nuclear instrumentation channel to be used as an input to the reactivity computer for physics testing without placing the nuclear instrumentation channel in a tripped condition. A reduction in the number of required nuclear instrumentation channels is not an initiator to any accident previously evaluated. With the nuclear instrumentation channel placed in bypass instead of in trip, reactor protection is still provided by the nuclear instrumentation system operating in a two-out-of-three channel logic. As a result, the ability to mitigate any accident previously evaluated is not significantly affected. The proposed changes will not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of any accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed changes reduce the probability of a spurious reactor trip during physics testing. The reactor trip system continues to be capable of protecting the reactor utilizing the power range neutron flux trips operating in a two-out-of-three trip logic. As a result, the reactor is protected and the probability of a spurious reactor trip is significantly reduced.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kate B. Nolan, Deputy General Counsel, Duke Energy Carolinas, LLC, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Michael T. Markley.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station (CNS), Units 1 and 2, York County, South Carolina

Date of amendment request: December 15, 2016. A publicly-available version is in ADAMS under Accession No. ML16350A422.

Description of amendment request: The amendments would modify Technical Specification (TS) 3.4.10, ''Pressurizer Safety Valves''; TS 3.7.4, ''Steam Generator Power Operated Relief Valves (SG PORVs)''; and TS 3.7.6, ''Condensate Storage System,'' to revise the Completion Times for Limiting Condition for Operation (LCO) of TS 3.4.10 Required Action B.2, LCO 3.7.4 Required Action C.2, and LCO 3.7.6 Required Action B.2 from 12 hours to 24 hours. The proposed changes are consistent with Technical Specification Task Force (TSTF) Traveler TSTF–352–A, Revision 1, ''Provide Consistent Completion Time to Reach MODE 4.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes allow a more reasonable time to plan and execute required actions, and will not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes will not alter or prevent the ability of structures, systems, and components (SSCs) from performing their intended functions to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed changes do not physically alter safety-related systems nor affect the way in which safety-related systems perform their functions. All accident analysis acceptance criteria will continue to be met with the proposed changes. The proposed changes will not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. The proposed changes will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the CNS Updated Final Safety Analysis Report (UFSAR). The applicable radiological dose acceptance criteria will continue to be met.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

There are no proposed design changes nor are there any changes in the method by which any safety-related plant SSC performs its safety function. The proposed changes will not affect the normal method of plant operation or change any operating parameters. No equipment performance requirements will be affected. The proposed changes will not alter any assumptions made in the safety analyses.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures will be introduced as a result of this amendment. There will be no adverse effect or challenges imposed on any safety-related system as a result of this amendment.

Therefore, the proposed changes do not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their intended functions. These barriers include the fuel cladding, the reactor coolant system pressure boundary, and the containment barriers. The proposed changes will not have any impact on these barriers. No accident mitigating equipment will be adversely impacted. Therefore, existing safety margins will be preserved. None of the proposed changes will involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kate B. Nolan, Deputy General Counsel, Duke Energy Carolinas, LLC, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Michael T. Markley.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: December 15, 2016. A publicly-available version is in ADAMS under Accession No. ML16350A422.

Description of amendment request: The amendments would modify Technical Specification (TS) 3.4.12, ''Low Temperature Overpressure Protection (LTOP) System,'' to increase the time allowed for swapping charging pumps to 1 hour. Additionally, an existing note in the Applicability section of TS 3.4.12 is being reworded and relocated to the Limiting Condition for Operation section of TS 3.4.12 as Note 2. These proposed changes are consistent with Technical Specification Task Force (TSTF) Traveler TSTF–285–A, Revision 1, ''Charging Pump Swap LTOP Allowance.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes increase the time allowed for swapping charging pumps from 15 minutes to one hour, and make several other associated administrative changes and clarifications to the TS. These changes do not affect event initiators or precursors. Thus, the proposed changes do not involve a significant increase in the probability of an accident previously evaluated. In addition, the proposed changes do not alter any assumptions previously made in the radiological consequence evaluations nor affect mitigation of the radiological consequences of an accident described in the Updated Final Safety Analysis Report (UFSAR). As such, the consequences of accidents previously evaluated in the UFSAR will not be increased and no additional radiological source terms are generated. Therefore, there will be no reduction in the capability of those SSCs [structures, systems, and components] in limiting the radiological consequences of previously evaluated accidents, and reasonable assurance that there is no undue risk to the health and safety of the public will continue to be provided. Thus, the proposed changes do not involve a significant increase in the consequences of an accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve physical changes to analyzed SSCs or changes to the modes of plant operation defined in the technical specification. The proposed changes do not involve the addition or modification of plant equipment (no new or different type of equipment will be installed) nor do they alter the design or operation of any plant systems. No new accident scenarios, accident or transient initiators or precursors, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. The proposed changes do not cause the malfunction of safety-related equipment assumed to be operable in accident analyses. No new or different mode of failure has been created and no new or different equipment performance requirements are imposed for accident mitigation. As such, the proposed changes have no effect on previously evaluated accidents.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed changes do not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed changes.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kate B. Nolan, Deputy General Counsel, Duke Energy Carolinas, LLC, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Michael T. Markley.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: December 15, 2016. A publicly-available version is in ADAMS under Accession No. ML16350A422.

Description of amendment request: The amendments would modify Technical Specification (TS) 3.7.5, ''Auxiliary Feedwater (AFW) System,'' to expand the TS 3.7.5 Limiting Condition for Operation, Condition A, to include the situation when one turbine driven AFW pump is operable in MODE 3, immediately following a refueling outage (if MODE 2 has not been entered), with a 7-day Completion Time. This proposed change is consistent with Technical Specification Task Force (TSTF) Traveler TSTF–340–A, Revision 3, ''Allow 7 Day Completion Time for a Turbine-Driven AFW Pump Inoperable.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes revise TS 3.7.5, ''Auxiliary Feedwater (AFW) System,'' to allow a 7 day Completion Time to restore an inoperable AFW turbine-driven pump in MODE 3 immediately following a refueling outage, if MODE 2 has not been entered. An inoperable AFW turbine-driven pump is not an initiator of any accident previously evaluated. The ability of the plant to mitigate an accident is no different while in the extended Completion Time than during the existing Completion Time. The proposed changes will not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of any accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed changes revise TS 3.7.5, ''Auxiliary Feedwater (AFW) System,'' to allow a 7 day Completion Time to restore an inoperable turbine-driven AFW pump in MODE 3, immediately following a refueling outage, if MODE 2 has not been entered. In MODE 3 immediately following a refueling outage, core decay heat is low and the need for AFW is also diminished. The two operable motor driven AFW pumps are available and there are alternate means of decay heat removal if needed. As a result, the risk presented by the extended Completion Time is minimal.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kate B. Nolan, Deputy General Counsel, Duke Energy Carolinas, LLC, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Michael T. Markley.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: December 15, 2016. A publicly-available version is in ADAMS under Accession No. ML16350A422.

Description of amendment request: The amendments would modify Technical Specification (TS) 3.8.1, ''AC Sources—Operating,'' and TS 3.8.4, ''DC Sources—Operating,'' to allow greater flexibility in performing Surveillance Requirements (SRs) by modifying Mode restriction notes in TS SRs 3.8.1.11, 3.8.1.16, 3.8.1.17, 3.8.1.19, 3.8.4.8, and 3.8.4.9. This proposed change is consistent with Technical Specification Task Force (TSTF) Traveler TSTF–283–A, Revision 3, ''Modify Section 3.8 Mode Restriction Notes.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes modify Mode restriction Notes in TS SRs 3.8.1.11, 3.8.1.16, 3.8.1.17, 3.8.1.19, 3.8.4.8, and 3.8.4.9 to allow performance of the Surveillance in whole or in part to reestablish Diesel Generator (DG) Operability, and to allow the crediting of unplanned events that satisfy the Surveillance Requirements. The emergency diesel generators and their associated emergency loads are accident mitigating features, and are not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. To manage any increase in risk, the proposed changes require an assessment to verify that plant safety will be maintained or enhanced by performance of the Surveillance in the current prohibited Modes. The radiological consequences of an accident previously evaluated during the period that the DG is being tested to reestablish operability are no different from the radiological consequences of an accident previously evaluated while the DG is inoperable. As a result, the consequences of any accident previously evaluated are not increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The purpose of Surveillances is to verify that equipment is capable of performing its assumed safety function. The proposed changes will only allow the performance of the Surveillances to reestablish operability, and the proposed changes may not be used to remove a DG from service. In addition, the proposed changes will potentially shorten the time that a DG is unavailable because testing to reestablish operability can be performed without a plant shutdown. The proposed changes also require an assessment to verify that plant safety will be maintained or enhanced by performance of the Surveillance in the current prohibited Modes.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kate B. Nolan, Deputy General Counsel, Duke Energy Carolinas, LLC, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Michael T. Markley.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station (CNS), Units 1 and 2, York County, South Carolina

Date of amendment request: December 15, 2016. A publicly-available version is in ADAMS under Accession No. ML16350A422.

Description of amendment request: The amendments would modify Technical Specification (TS) 3.9.5, ''Residual Heat Removal (RHR) and Coolant Circulation—Low Water Level,'' to add Note 1 to the Limiting Condition for Operation (LCO) Section of TS 3.9.5 to allow the securing of the operating train of RHR for up to 15 minutes to support switching operating trains. The allowance is restricted to three conditions: (a) the core outlet temperature is maintained greater than 10 degrees Fahrenheit below saturation temperature; (b) no operations are permitted that would cause an introduction of coolant into the Reactor Coolant System (RCS) with boron concentration less than that required to meet the minimum required boron concentration of LCO 3.9.1; and (c) no draining operations to further reduce RCS water volume are permitted. Additionally, the amendments would modify the LCO Section of TS 3.9.5 to add Note 2, which would allow one required RHR loop to be inoperable for up to 2 hours for surveillance testing, provided that the other RHR loop is operable and in operation. These proposed changes are consistent with Technical Specification Task Force (TSTF) Traveler TSTF–349–A, Revision 1, ''Add Note to LCO 3.9.5 Allowing Shutdown Cooling Loops Removal from Operation''; TSTF–361–A, Revision 2, ''Allow Standby SDC/RHR/DHR Loop to be Inoperable to Support Testing''; and TSTF–438–A, Revision 0, ''Clarify Exception Notes to be Consistent with the Requirement Being Excepted.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes add two notes to CNS TS LCO 3.9.5. Note 1 would allow securing the operating train of Residual Heat Removal (RHR) for up to 15 minutes to support switching operating trains, subject to certain restrictions. Note 2 to would allow one RHR loop to be inoperable for up to 2 hours for surveillance testing provided the other RHR loop is Operable and in operation. These provisions are operational allowances. Neither operational allowance is an initiator to any accident previously evaluated. In addition, the proposed changes will not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of any accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

An operational allowance is proposed which would allow securing the operating train of RHR for up to 15 minutes to support switching operating trains, subject to certain restrictions. Considering these restrictions, combined with the short time frame allowed to swap operating RHR trains, and the ability to start an operating RHR train, if needed, the occurrence of an event that would require immediate operation of an RHR train is extremely remote.

An operational allowance is also proposed which would allow one RHR loop to be inoperable for up to 2 hours for surveillance testing provided the other RHR loop is operable and in operation. A similar allowance currently appears in CNS TS 3.4.7, ''Reactor Coolant System (RCS) Loops—MODE 5, Loops Filled,'' and CNS TS 3.4.8, ''RCS Loops—MODE 5, Loops Not Filled,'' and the conditions under which the operational allowance would be applied in TS 3.9.5 are not significantly different from those specifications. This operational allowance provides the flexibility to perform surveillance testing, while ensuring that there is reasonable time for operators to respond to and mitigate any expected failures. The purpose of the RHR System is to remove decay and sensible heat from the RCS, to provide mixing of borated coolant, and to prevent boron stratification. Removal of system components from service as described above, and with limitations in place to maintain the ability of the RHR System to perform its safety function, does not significantly impact the margin of safety. Operators will continue to have adequate time to respond to any off-normal events. Removing the system from service, for a limited period of time, with other operational restrictions, limits the consequences to those already assumed in the Updated Final Safety Analysis Report (UFSAR).

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kate B. Nolan, Deputy General Counsel, Duke Energy Carolinas, LLC, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Michael T. Markley.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of amendment request: July 12, 2016, as supplemented by letter dated November 17, 2016. Publicly-available versions are in ADAMS under Accession Nos. ML16194A515, and ML16326A443, respectively.

Description of amendment request: The proposed amendment would reduce the minimum reactor dome pressure associated with the critical power correlation from 785 pounds per square inch gauge (psig) to 686 psig in Technical Specification (TS) 2.1.1, ''Reactor Core SLs [Safety Limits],'' and associated bases.

The license amendment request was originally noticed in the **Federal Register** on October 25, 2016 (81 FR 73433). The notice is being reissued in its entirety to revise the proposed minimum reactor dome pressure from 685 psig to 686 psig, based on the supplemental letter dated November 16, 2017.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, with NRC edits in square brackets, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The change does not involve a modification of any plant hardware; the probability and consequence of the Pressure Regulator Failure Open (PRFO) transient are essentially unchanged. The reduction in the reactor dome pressure safety limit (SL) from 785 psig to [686] psig provides greater margin to accommodate the pressure reduction during the transient within the revised TS limit.

The proposed change will continue to support the validity range for the correlations and the calculation of Minimum Core Power Ratio (MCPR) as approved. The proposed TS revision involves no significant changes to the operation of any systems or components in normal, accident or transient operating conditions.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed reduction in the reactor dome pressure SL from 785 psig to [686] psig is a change based upon previously approved documents and does not involve changes to the plant hardware or its operating characteristics. As a result, no new failure modes are being introduced.

Therefore, the change does not introduce a new or different kind of accident from those previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through the design of the plant structures, systems, and components, and through the parameters for safe operation and setpoints for the actuation of equipment relied upon to respond to transients and design basis accidents. The proposed change in reactor dome pressure enhances the safety margin, which protects the fuel cladding integrity during a depressurization transient, but does not change the requirements governing operation or availability of safety equipment assumed to operate to preserve the margin of safety. The change does not alter the behavior of plant equipment, which remains unchanged. The available pressure range is expanded by the change, thus offering greater margin for pressure reduction during the transient.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William A. Horin, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Branch Chief: Robert J. Pascarelli.

Exelon Generation Company, LLC, Docket No. 50–410, Nine Mile Point Nuclear Station, Unit 2, Oswego County, New York

Date of amendment request: February 28, 2017. A publicly-available version is in ADAMS under Accession No. ML17059C963.

Description of amendment request: The amendment would revise the Nine Mile Point Nuclear Station, Unit 2, Technical Specifications (TSs) by replacing existing requirements related to ''operations with a potential for draining the reactor vessel'' with new requirements on reactor pressure vessel

(RPV) water inventory control (WIC) to protect Safety Limit 2.1.1.3. Safety Limit 2.1.1.3 requires RPV water level to be greater than the top of active irradiated fuel. The proposed changes are based on Technical Specifications Task Force (TSTF) Traveler TSTF–542, Revision 2, ''Reactor Pressure Vessel Water Inventory Control'' (ADAMS Accession No. ML16074A448).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC staff edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes replace existing TS requirements related to OPDRVs [operation with potential to drain the reactor vessels] with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. Draining of RPV water inventory in Mode 4 (*i.e.,* cold shutdown) and Mode 5 (*i.e.,* refueling) is not an accident previously evaluated and, therefore, replacing the existing TS controls to prevent or mitigate such an event with a new set of controls has no effect on any accident previously evaluated. RPV water inventory control in Mode 4 or Mode 5 is not an initiator of any accident previously evaluated. The existing OPDRV controls or the proposed RPV WIC controls are not mitigating actions assumed in any accident previously evaluated.

The proposed changes reduce the probability of an unexpected draining event (which is not a previously evaluated accident) by imposing new requirements on the limiting time in which an unexpected draining event could result in the reactor vessel water level dropping to the top of the active fuel (TAF). These controls require cognizance of the plant configuration and control of configurations with unacceptably short drain times. These requirements reduce the probability of an unexpected draining event. The current TS requirements are only mitigating actions and impose no requirements that reduce the probability of an unexpected draining event.

The proposed changes reduce the consequences of an unexpected draining event (which is not a previously evaluated accident) by requiring an Emergency Core Cooling System (ECCS) subsystem to be operable at all times in Modes 4 and 5. The current TS requirements do not require any water injection systems, ECCS or otherwise, to be Operable in certain conditions in Mode 5. The change in requirement from two ECCS subsystems to one ECCS subsystem in Modes 4 and 5 does not significantly affect the consequences of an unexpected draining event because the proposed Actions ensure equipment is available within the limiting drain time that is as capable of mitigating the event as the current requirements. The proposed controls provide escalating compensatory measures to be established as calculated drain times decrease, such as verification of a second method of water injection and additional confirmations that containment and/or filtration would be available if needed.

The proposed changes reduces or eliminates some requirements that were determined to be unnecessary to manage the consequences of an unexpected draining event, such as automatic initiation of an ECCS subsystem and control room ventilation. These changes do not affect the consequences of any accident previously evaluated since a draining event in Modes 4 and 5 is not a previously evaluated accident and the requirements are not needed to adequately respond to a draining event.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes replace existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. The proposed changes will not alter the design function of the equipment involved. Under the proposed changes, some systems that are currently required to be operable during OPDRVs would be required to be available within the limiting drain time or to be in service depending on the limiting drain time. Should those systems be unable to be placed into service, the consequences are no different than if those systems were unable to perform their function under the current TS requirements.

The event of concern under the current requirements and the proposed change is an unexpected draining event. The proposed changes do not create new failure mechanisms, malfunctions, or accident initiators that would cause a draining event or a new or different kind of accident not previously evaluated or included in the design and licensing bases.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes replace existing TS requirements related to OPDRVs with new requirements on RPV WIC. The current requirements do not have a stated safety basis and no margin of safety is established in the licensing basis. The safety basis for the new requirements is to protect Safety Limit 2.1.1.3. New requirements are added to determine the limiting time in which the RPV water inventory could drain to the top of the fuel in the reactor vessel should an unexpected draining event occur. Plant configurations that could result in lowering the RPV water level to the TAF within one hour are now prohibited. New escalating compensatory measures based on the limiting drain time replace the current controls. The proposed TS establish a safety margin by providing defense-in-depth to ensure that the Safety Limit is protected and to protect the public health and safety. While some less restrictive requirements are proposed for plant configurations with long calculated drain times, the overall effect of the change is to improve plant safety and to add safety margin.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: James G. Danna.

Exelon Generation Company, LLC, Docket No. 50–219, Oyster Creek Nuclear Generating Station (OCNGS), Ocean County, New Jersey

Date of amendment request: February 28, 2017. A publicly-available version is available in ADAMS under Accession No. ML17060A289.

Description of amendment request: The licensee proposes to revise the site emergency plan to revise the on-shift staffing and the emergency response organization (ERO) staffing for a permanently defueled condition.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the OCNGS Emergency Plan do not impact the function of plant Structures, Systems, or Components (SSCs). The proposed changes do not involve the modification of any plant equipment or affect plant operation. The proposed changes do not affect accident initiators or precursors, nor do the proposed changes alter design assumptions. The proposed changes do not prevent the ability of the on-shift staff and ERO to perform their intended functions to mitigate the consequences of any accident or event that will be credible in the permanently defueled condition. The proposed changes only remove positions that will no longer be needed or credited in the Emergency Plan in the permanently defueled condition.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes reduce the number of on-shift and ERO positions commensurate with the hazards associated with a permanently shutdown and defueled facility. The proposed changes do not involve installation of new equipment or modification of existing equipment, so that no new equipment failure modes are introduced. Also, the proposed changes do not result in a change to the way that the equipment or facility is operated so that no new accident initiators are created.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes do not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analyses. There are no changes being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed changes. The proposed changes are associated with the Emergency Plan and staffing and do not impact operation of the plant or its response to transients or accidents. The proposed changes do not affect the Technical Specifications. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Safety analysis acceptance criteria are not affected by the proposed changes and margins of safety are maintained. The revised Emergency Plan will continue to provide the necessary response staff with the proposed changes.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Douglas A. Broaddus.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: February 24, 2017. A publicly-available version is in ADAMS under Accession No. ML17055C352.

Description of amendment request: The requested amendment proposes changes to the Updated Final Safety Analysis Report in the form of departures from the plant-specific Design Control Document (DCD) Tier 2 information, and involves changes to related plant-specific DCD Tier 1 information, with corresponding changes to the associated Combined License (COL) Appendix C information. In addition, revisions are proposed to COL Appendix A, Technical Specifications. The proposed changes revise the COLs concerning standardizing the Protection and Safety Monitoring System (PMS) setpoint nomenclature. No changes are proposed to setpoint values or PMS alarms and actuations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below with the NRC staff's edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

No setpoint values or PMS actuations are proposed to be changed by this activity. Nor are any values assumed in the safety analysis changed. This is an administrative change to standardize the PMS setpoint designators. The proposed amendment does not affect the prevention and mitigation of abnormal events, *e.g.,* accidents, anticipated operation occurrences, earthquakes, floods, turbine missiles, and fires or their safety or design analyses. This change does not involve containment of radioactive isotopes or any adverse effect on a fission product barrier. There is no impact on previously evaluated accidents.

These proposed changes have no adverse impact on the support, design, or operation of mechanical and fluid systems. The response of systems to postulated accident conditions is not adversely affected and remains within response time assumed in the accident analysis. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. Consequently, the plant response to previously evaluated accidents or external events is not adversely affected, nor does the proposed change create any new accident precursors.

Therefore, the requested amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a new failure mechanism or malfunction, which affects an [structure, system, component (SSC)] accident initiator, or interface with any SSC accident initiator or initiating sequence of events considered in the design and licensing bases. There is no adverse effect on radioisotope barriers or the release of radioactive materials. The proposed amendment does not adversely affect any accident, including the possibility of creating a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed changes do not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

No setpoint values or PMS actuations are proposed to be changed by this activity. This is an administrative change to standardize the PMS setpoint designators. The proposed changes would not affect any safety-related design code, function, design analysis, safety analysis input or result, or existing design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested changes.

Therefore the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: March 15, 2017. A publicly-available version is in ADAMS under Accession No. ML17074A597.

Description of amendment request: The amendment proposes to depart from Tier 2 information in the Updated Final Safety Analysis Report (UFSAR) and involves changes to related plant-specific Tier 1 information, with corresponding changes to the associated Combined License (COL) Appendix C information, to clarify text that currently

refers to raceways with an electrical classification (*i.e.,* Class 1E/non-Class 1E). This includes rewording multiple Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) and UFSAR material to clarify that any text referring to Class 1E or non-Class 1E raceways or raceway systems is referring to raceways or raceway systems that route Class 1E or non-Class 1E circuits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

These proposed changes are for clarification and consistency. No structure, system, or component (SSC) or function is changed within this activity. There is no change to the application of regulatory guides or industry standards to raceways or raceway systems, nor is there a change to how they are designed, fabricated, procured or installed. Raceway systems that route Class 1E circuits will continue to be designated and designed as equipment Class C, safety-related, and seismic Category I structures. The proposal to align the text in COL Appendix C (and plant-specific Tier 1) Section 3.3 with the associated ITAAC is made for clarification and consistency to reduce misinterpretation. The proposal to reword multiple ITAAC in 3.3.00.07 does not change the intent of the ITAAC, nor is the ITAAC scope or closure method impacted.

The proposed amendment does not affect the prevention and mitigation of abnormal events; *e.g.,* accidents, anticipated operation occurrences, earthquakes, floods, turbine missiles, and fires or their safety or design analyses. This change does not involve containment of radioactive isotopes or any adverse effect on a fission product barrier. There is no impact on previously evaluated accidents.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a new failure mechanism or malfunction, which affects an SSC accident initiator, or interface with any SSC accident initiator or initiating sequence of events considered in the design and licensing bases. There is no adverse effect on radioisotope barriers or the release of radioactive materials. The proposed amendment does not adversely affect any accident, including the possibility of creating a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

These proposed changes are for clarification and consistency to reduce misinterpretation. No SSC or function is changed within this activity. There is no change to the application of regulatory guides or industry standards to raceways or raceway systems, nor is there a change to how they are designed, fabricated, procured or installed. Raceway systems that route Class 1E circuits will continue to be designated and designed as Equipment Class C, safety-related, and seismic Category I.

The proposed changes would not affect any safety-related design code, function, design analysis, safety analysis input or result, or existing design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested changes.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: March 8, 2017. A publicly-available version is in ADAMS under Accession No. ML17067A517.

Description of amendment request: The amendment request consists of changes to Combined License (COL) Appendix C (and corresponding changes to plant-specific Tier 1) information. Specifically, the amendment request involves changes to revise the raceway separation requirements in the Main Control Room (MCR) and Remote Shutdown Room (RSR) to provide consistency with Tier 2 information in the plant-specific Design Control Document (DCD). Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, appendix D, design certification rule is also requested for the plant-specific DCD Tier 1 material departures.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This activity revises the raceway spacing configurations and permits spacing in accordance with existing licensing basis requirements, Regulatory Guide (RG) 1.75 and Institute of Electrical and Electronics Engineers (IEEE) 384 for the MCR and RSR.

The proposed consistency change to revise separation requirements for MCR and RSR raceways does not inhibit any systems, structures or components (SSCs) from performing their safety-related function, as raceways in the MCR and RSR are installed in accordance with spacing configurations currently specified in the Updated Final Safety Analysis Report (UFSAR) or in the code of record, IEEE 384. This proposed amendment does not have an adverse impact on the response to anticipated transients or postulated accident conditions because the functions of the SSCs are not changed. The change does not involve an interface with any SSC accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the UFSAR are not affected. Accidents associated with raceway separation are not identified in the safety analysis. The proposed changes do not involve a change to the predicted radiological releases due to postulated accident conditions, thus, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to the inspection criteria for raceway separation requirements does not adversely affect any safety-related equipment, and does not add any new interfaces to safety-related SSCs. This change provides consistency between the COL Appendix C and the UFSAR and industry standards only. System design functions and equipment qualification are not adversely affected by these changes. The changes do not introduce a new failure mode, malfunction or sequence of events that could affect plant safety or safety-related equipment as the change is for consistency with existing licensing basis requirements and industry standards. New credible failure modes are not introduced by the changes in separation requirements.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change maintains compliance with the applicable Codes and Standards, thereby maintaining the margin of safety associated with these SSCs. The proposed change does not alter any applicable design codes, code compliance, design function, or safety analysis. Consequently, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed change, thus the margin of safety is not reduced.

Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue, North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant (BFN), Units 1, 2, and 3, Limestone County, Alabama

Date of amendment request: January 17, 2017. A publicly-available version is in ADAMS under Accession No. ML17018A149.

Description of amendment request: The amendments would revise the Technical Specifications (TSs) to eliminate the ''Inservice Testing Program,'' contained in TS Section 5.5.6 and replace the program with a new defined term, ''Inservice Testing Program,'' in the TS Definitions section. This revision would be consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR Usage Rule Application to Section 5.5 Testing.'' Additionally, Tennessee Valley Authority requested implementation of TSTF–299, Revision 0, ''Administrative Controls Program 5.5.2.b Test Interval and Exception,'' which clarifies the intent of refueling cycle intervals with respect to the system leak test requirements (*i.e.,* 24 month intervals) and would add the following sentence, ''The provisions of SR 3.0.2 are applicable,'' to TS 5.5.2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

TSTF 545, ''TS Inservice Testing Program Removal & Clarify SR Usage Rule Application to Section 5.5 Testing,'' Revision 3:

The proposed change revises TS Chapter 5, ''Administrative Controls,'' Section 5.5, ''Programs and Manuals,'' by eliminating the ''Inservice Testing Program'' specification. Most requirements in the Inservice Testing Program are removed, as they are duplicative of requirements in the [American Society of Mechanical Engineers] (ASME) [Operation and Maintenance] (OM) Code, as clarified by Code Case OMN–20, ''Inservice Test Frequency.'' The remaining requirements in the Section 5.5 IST Program are eliminated because the NRC has determined their inclusion in the TS is contrary to regulations. A new defined term, ''Inservice Testing Program,'' is added to the TS, which references the requirements of 10 CFR 50.55a(f).

Performance of inservice testing is not an initiator to any accident previously evaluated. As a result, the probability of occurrence of an accident is not significantly affected by the proposed change. Inservice test frequencies under Code Case OMN–20 are equivalent to the current testing period allowed by the TS with the exception that testing frequencies greater than 2 years may be extended by up to 6 months to facilitate test scheduling and consideration of plant operating conditions that may not be suitable for performance of the required testing. The testing frequency extension will not affect the ability of the components to mitigate any accident previously evaluated as the components are required to be operable during the testing period extension. Performance of inservice tests utilizing the allowances in OMN–20 will not significantly affect the reliability of the tested components. As a result, the availability of the affected components, as well as their ability to mitigate the consequences of accidents previously evaluated, is not affected.

TSTF–299, ''Administrative Controls Program 5.5.2.b Test Interval and Exception,'' Revision 0:

The proposed change affects only the interval at which system leak tests are performed, not the effectiveness of the system leak test requirements. Revising the system leak test requirements from ''at refueling cycle intervals or less'' to ''at least once per 24 months'' is considered to be an administrative change because BFN Units 1, 2, and 3 operate on 24-month fuel cycles. Incorporation of the allowance to extend the 24-month interval by 25%, as allowed by Surveillance Requirement (SR) 3.0.2, does not significantly degrade the reliability that results from performing the Surveillance at its specified Frequency.

Test intervals are not considered as initiators of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased by the proposed amendment. Technical Specification (TS) 5.5.2 continues to require the performance of periodic system leak tests. Therefore, accident analysis assumptions will still be verified. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

TSTF 545, ''TS Inservice Testing Program Removal & Clarify SR Usage Rule Application to Section 5.5 Testing,'' Revision 3:

The proposed change does not alter the design or configuration of the plant. The proposed change does not involve a physical alteration of the plant; no new or different kind of equipment will be installed. The proposed change does not alter the types of inservice testing performed. In most cases, the frequency of inservice testing is unchanged. However, the frequency of testing would not result in a new or different kind of accident from any previously evaluated since the testing methods are not altered.

TSTF–299, ''Administrative Controls Program 5.5.2.b Test Interval and Exception,'' Revision 0:

The proposed change affects only the interval at which system leak tests are performed; they do not alter the design or physical configuration of the plant. No changes are being made to BFN Units 1, 2, or 3 that would introduce any new accident causal mechanisms.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

TSTF 545, ''TS Inservice Testing Program Removal & Clarify SR Usage Rule Application to Section 5.5 Testing,'' Revision 3:

The proposed change eliminates some requirements from the TS in lieu of requirements in the ASME Code, as modified by use of Code Case OMN–20. Compliance with the ASME Code is required by 10 CFR 50.55a. The proposed change also allows inservice tests with frequencies greater than 2 years to be extended by 6 months to facilitate test scheduling and consideration of plant operating conditions that may not be suitable for performance of the required testing. The testing frequency extension will not affect the ability of the components to respond to an accident as the components are required to be operable during the testing period extension. The proposed change will eliminate the existing TS SR 3.0.3 allowance to defer performance of missed inservice tests up to the duration of the specified testing frequency, and instead will require an

assessment of the missed test on equipment operability. This assessment will consider the effect on a margin of safety (equipment operability). Should the component be inoperable, the Technical Specifications provide actions to ensure that the margin of safety is protected. The proposed change also eliminates a statement that nothing in the ASME Code should be construed to supersede the requirements of any TS. The NRC has determined that statement to be incorrect. However, elimination of the statement will have no effect on plant operation or safety.

TSTF–299, ''Administrative Controls Program 5.5.2.b Test Interval and Exception,'' Revision 0:

The proposed change does not change the design or function of plant equipment. The proposed change does not significantly reduce the level of assurance that any plant equipment will be available to perform its function. The proposed change provides operating flexibility without significantly affecting plant operation.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Dr., WT 6A, Knoxville, TN 37902.

NRC Branch Chief: Benjamin G. Beasley.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of 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** as indicated.

Unless otherwise indicated, 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. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: June 30, 2016, as supplemented by letter dated December 8, 2016.

Brief description of amendments: The amendments modified the McGuire Nuclear Station, Units 1 and 2, Technical Specification 3.6.14, ''Divider Barrier Integrity,'' to revise Condition D to allow either one steam generator enclosure hatch or pressurizer enclosure hatch to be open for up to 48 hours.

Date of issuance: March 27, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 294 (Unit 1) and 273 (Unit 2). A publicly available version is in ADAMS under Accession No. ML17060A481; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: January 3, 2017 (83 FR 158). The supplemental letter dated December 8, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 27, 2017.

No significant hazards consideration comments received: No.

Duke Energy Florida, LLC (DEF), et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant (CR–3), Citrus County, Florida

Date of amendment request: May 25, 2016.

Brief description of amendment: The amendment approved the Independent Spent Fuel Storage Installation (ISFSI)-Only Emergency Plan and ISFSI-Only Emergency Action Level Bases Manual, Revision 0, for the CR–3 SAFSTOR Period with Spent Fuel on Site.

Date of issuance: March 22, 2017.

Effective date: As of the date Duke Energy Florida, LLC submits written notification that all spent nuclear fuel has been transferred from the spent fuel pool to the ISFSI and shall be implemented within 60 days.

Amendment No.: 253. A publicly-available version is in ADAMS under Accession No. ML17048A473; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. DPR–72: This amendment revises the Facility Operating License.

Date of initial notice in ***Federal Register****:* July 19, 2016 (81 FR 46961).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 22, 2017.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: August 18, 2016, as supplemented by letter dated November 29, 2016.

Brief description of amendment: The amendment modified the Renewed Facility Operating License to reflect the license transfer from Entergy Nuclear FitzPatrick, LLC and Entergy Nuclear Operations, Inc. to Exelon Generation Company, LLC.

Date of issuance: March 31, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 314. A publicly-available version is in ADAMS under Accession No. ML17082A283.

Renewed Facility Operating License No. DPR–59: Amendment revised the Renewed Facility Operating License.

Date of initial notice in ***Federal Register****:* September 15, 2016 (81 FR 63500). The supplemental letter dated November 29, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed,

and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 2017.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of amendment request: March 25, 2016, as supplemented by letter dated December 7, 2016.

Brief description of amendment: The amendment deleted Technical Specification (TS) 6.5.8, ''Inservice Testing Program.'' A new defined term, ''Inservice Testing Program,'' is added to TS Section 1.0, ''Definitions.'' Also, existing uses of the term ''Inservice Testing Program'' in the TSs are capitalized throughout to indicate that it is now a defined term. The NRC staff has concluded that the amendment is consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR Usage Rule Application to Section 5.5 Testing,'' which was made available to the TSTF by NRC letter dated December 11, 2015 (ADAMS Accession No. ML15317A071).

Date of issuance: March 29, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 305. A publicly-available version is in ADAMS under Accession No. ML16215A371; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–51: Amendment revised the Renewed Facility Operating License and TSs.

Date of initial notice in ***Federal Register****:* June 7, 2016 (81 FR 36618). The supplemental letter dated December 7, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of amendment request: November 4, 2016, as supplemented by letters dated December 7, 2016, and March 13, 2017.

Brief description of amendments: The amendments revised the Allowable Value for the Turbine Condenser—Low Vacuum scram function specified in Technical Specification Table 3.3.1.1–1, ''Reactor Protection System Instrumentation.''

Date of issuance: April 3, 2017.

Effective dates: For Unit 2, the amendment is effective as of its date of issuance and shall be implemented prior to startup from refueling outage P2R22, which is scheduled for completion in the fall of 2018. For Unit 3, the amendment is effective as of its date of issuance and shall be implemented prior to startup from refueling outage P3R21, which is scheduled for completion in the fall of 2017.

Amendments Nos.: 312 (Unit 2) and 316 (Unit 3). A publicly-available version is in ADAMS under Accession No. ML17052A692; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–44 and DPR–56: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register****:* January 3, 2017 (82 FR 159). The supplemental letter dated March 13, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 3, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania

Date of amendment request: December 16, 2016.

Brief description of amendment: The amendment revised the Limerick Generating Station, Unit 2, Technical Specifications related to the safety limit minimum critical power ratio. The changes result from a cycle-specific analysis performed to support the operation of Limerick Generating Station, Unit 2, in the upcoming Cycle 15.

Date of issuance: March 29, 2017.

Effective date: Shall be implemented prior to startup from the spring 2017 refueling outage.

Amendment No.: 186. A publicly-available version is in ADAMS under Accession No. ML17024A089; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–85: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** February 7, 2017 (82 FR 9605).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 2017.

No significant hazards consideration comments received: No.

Florida Power & Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: June 21, 2016, as supplemented by letter dated December 5, 2016.

Brief description of amendment: The amendment updated the Technical Specifications to revise the emergency diesel generator engine-mounted fuel tank minimum volume from 200 gallons of fuel each to 238 gallons of fuel each.

Date of issuance: March 29, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 188. A publicly-available version is in ADAMS under Accession No. ML17038A225; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–16: Amendment revised the Renewed Facility Operating License and Appendix A.

Date of initial notice in ***Federal Register****:* August 2, 2016 (81 FR 50733). The supplemental letter dated December 5, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 2017.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: November 19, 2015, as supplemented by letter dated February 4, 2016, two letters dated June 16, 2016, and letters dated September 9, 2016, and November 3, 2016.

Brief description of amendments: The amendments revised the Donald C. Cook Nuclear Plant, Units 1 and 2, Technical Specifications by relocating specific surveillance frequencies to a licensee-controlled program consistent with the NRC-approved Technical Specifications Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control—RITSTF Initiative 5b.''

Date of issuance: March 31, 2017.

Effective date: The amendments are effective as of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 334 (Unit 1) and 316 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17045A150; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–58 and DPR–74: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register****:* January 19, 2016 (81 FR 2918). The supplemental letters dated February 4, 2016, two letters dated June 16, 2016, and letters dated September 9, 2016, and November 3, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 2017.

No significant hazards consideration comments received: No.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station (CNS), Nemaha County, Nebraska

Date of amendment request: March 22, 2016, as supplemented by two letters dated December 7, 2016.

Brief description of amendment: The amendment revised the Cooper Nuclear Station Technical Specifications by relocating specific surveillance frequencies to a licensee-controlled program consistent with the NRC-approved Technical Specifications Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control—RITSTF [Risk-Informed TSTF] Initiative 5b'' (ADAMS Accession No. ML090850642).

Date of issuance: March 31, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 258. A publicly-available version is in ADAMS under Accession No. ML17061A050; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–46: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* May 24, 2016 (81 FR 32807). The two supplemental letters dated December 7, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 2017.

No significant hazards consideration comments received: No.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: March 15, 2016, as supplemented by letters dated September 21, 2016, and December 27, 2016.

Brief description of amendment: The amendment revised the Duane Arnold Energy Center Technical Specification (TS) 4.3.1, ''Fuel Storage, Criticality,'' and TS 4.3.3, ''Fuel Storage, Capacity,'' to ensure that spent fuel pool maintains compliance with NRC subcriticality requirements for the storage racks manufactured by Programmed and Remote Systems Corporation (PaR). The amendment also adds a new requirement in TS 5.5, ''Program and Manuals,'' for a spent fuel pool neutron absorber monitoring program.

Date of issuance: March 30, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 299. A publicly-available version is in ADAMS under Accession No. ML17072A232; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–49: The amendment revised the TSs.

Date of initial notice in ***Federal Register****:* July 5, 2016 (81 FR 43665). The supplemental letters dated September 21, 2016, and December 27, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 30, 2017.

No significant hazards consideration comments received: No.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

NextEra Energy Point Beach, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Florida Power & Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of amendment request: July 28, 2016, as supplemented by letter dated December 15, 2016.

Brief description of amendments: The amendments revised the Technical Specifications consistent with Technical Specification Task Force (TSTF) Traveler TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR Usage Rule Application to Section 5.5 Testing'' (ADAMS Accession No. ML15294A555).

Date of issuance: April 7, 2017.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos: 300, 259, 263, 154, 238, 189, 274, and 269. A publicly-

available version is in ADAMS under Accession No. ML17027A078; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility or Renewed Facility Operating License Nos. DPR–49, DPR–24, DPR–27, NPF–86, DPR–67, NPF–16, DPR–31, and DPR–41: Amendments revised the Facility or Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register****:* October 11, 2016 (81 FR 70180). The supplemental letter dated December 15, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 7, 2017.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1 (FCS), Washington County, Nebraska

Date of amendment request: November 18, 2016.

Brief description of amendment: The amendment deleted License Condition 3.D, ''Fire Protection Program,'' which requires that FCS implement and maintain a fire protection program that complies with the requirements of 10 CFR 50.48(a) and 10 CFR 50.48(c). Since power operations are terminated at FCS and the reactor is permanently defueled, FCS will maintain a fire protection program in accordance with 10 CFR 50.48(f).

Date of issuance: April 7, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 290. A publicly-available version is in ADAMS under Accession No. ML17053A099; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–40: The amendment revised the License Condition.

Date of initial notice in ***Federal Register****:* January 17, 2017 (82 FR 4931).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 7, 2017.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: July 11, 2016.

Brief description of amendments: The amendments authorized changes to the Virgil C. Summer Nuclear Station, Units 2 and 3, Updated Final Safety Analysis Report in the form of departures from the incorporated plant-specific Design Control Document Tier 2 information and involves changes to Combined License Appendix A Technical Specifications and associated Bases. The changes add compensation to the reactor coolant flow input signal to the Reactor Trip System instrumentation for the low reactor coolant flow reactor trip function and add Technical Specification Surveillance Requirement 3.3.1.3 to the surveillances required for the Reactor Coolant Flow-Low reactor trip.

Date of issuance: March 20, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 65. A publicly-available version is in ADAMS under Accession No. ML17040A224; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendments revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register****:* August 16, 2016 (81 FR 54610).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 20, 2017.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: June 16, 2016, as revised by letters dated July 7, 2016; August 16, 2016; and October 24, 2016, and as supplemented by letter dated December 21, 2016.

Brief description of amendments: The amendments authorized changes to the Virgil C. Summer Nuclear Station, Units 2 and 3, Updated Final Safety Analysis Report in the form of departures from the incorporated plant-specific Design Control Document Tier 2* and Tier 2 information. The changes are related to the design of selected auxiliary building floors, including finned floors, CA20 module floors, and precast panel floors; main control room and instrumentation and control room ceilings; and the location of heating, ventilation, and air conditioning ducts in the main control room floor, as well as the number of supporting steel plates. General changes include various notes that explain the extent of variations in the specific design of these structures.

Date of issuance: March 28, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 67. A publicly-available version is in ADAMS under Accession No. ML17040A104; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendments revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register****:* August 2, 2016 (81 FR 50729). By letter dated August 16, 2016, the licensee provided additional information that expanded the scope of the amendment request as originally noticed in the **Federal Register**. Accordingly, the NRC published a second proposed no significant hazards consideration determination in the **Federal Register** on September 2, 2016 (81 FR 60749), which superseded the original notice in its entirety. The supplemental letters dated October 16, 2016, and December 21, 2016, provided additional information that clarified the application, did not expand the scope of the application request as noticed on September 2, 2016, and did not change the staff's proposed no significant hazards consideration determination as published in the **Federal Register** on September 2, 2016.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 28, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle ElectricGenerating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: June 14, 2016, as revised by letters dated July 1, 2016; August 12, 2016; and October 12, 2016, and as supplemented by letter dated December 16, 2016.

Brief description of amendments: The amendments authorized changes to the Vogtle Electric Generating Plant, Units 3 and 4, Updated Final Safety Analysis Report in the form of departures from the incorporated plant specific Design Control Document Tier 2* and Tier 2 information. The changes are related to the design of selected auxiliary building floors, including finned floors, CA20

module floors, and precast panel floors; main control room and instrumentation and control room ceilings; and the location of heating, ventilation, and air conditioning ducts in the main control room floor, as well as the number of supporting steel plates. General changes include various notes that explain the extent of variations in the specific design of these structures.

Date of issuance: March 27, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 75 (Unit 3) and 74 (Unit 4). A publicly-available version is in ADAMS under Accession No. ML17037D024; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendments revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register****:* August 2, 2016 (81 FR 50738). By letter dated August 12, 2016, the licensee provided additional information that expanded the scope of the amendment request as originally noticed in the **Federal Register**. Accordingly, the NRC published a second proposed no significant hazards consideration determination in the **Federal Register** on September 13, 2016 (81 FR 62932), which superseded the original notice in its entirety. The supplemental letters dated October 12, 2016, and December 16, 2016, provided additional information that clarified the application, did not expand the scope of the application request as noticed on September 13, 2016, and did not change the staff's proposed no significant hazards consideration determination as published in the **Federal Register** on September 13, 2016.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 27, 2017.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–391, Watts Bar Nuclear Plant, Unit 2, Rhea County, Tennessee

Date of amendment request: November 23, 2016, as supplemented by letter dated February 16, 2017.

Brief description of amendment: The amendment revised Technical Specification Surveillance Requirement (SR) 3.0.2 to extend, on a one-time basis, SRs listed in Attachments 8, 10, and 11 to Enclosure 1 of the application that are normally performed on an 18-month frequency in conjunction with a refueling outage. The change extends the due date for these SRs to October 31, 2017, which allows these SRs to be performed during the first refueling outage for the Watts Bar Nuclear Plant, Unit 2.

Date of issuance: April 7, 2017.

Effective date: As of the date of issuance and shall be implemented within 7 days of issuance.

Amendment No.: 10. A publicly-available version is in ADAMS under Accession No. ML17074A501; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No NPF–96: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* January 17, 2017 (82 FR 4932). The supplemental letter dated February 16, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 7, 2017.

No significant hazards consideration comments received. No.

Tennessee Valley Authority, Docket Nos. 50–390 and 50–391, Watts Bar Nuclear Plant (WBN), Units 1 and 2, Rhea County, Tennessee

Date of amendment request: June 7, 2016.

Brief description of amendments: The amendments revised an expired footnote in WBN, Unit 1, Technical Specification (TS) 3.7.11, and corrects several editorial inconsistencies in the TS Applicability statements for WBN, Units 1 and 2. Additionally, WBN, Unit 2, TS 3.7.10, Actions, are amended to include a new TS Condition, which specifies shutdown Required Actions and associated Completion Time when TS Condition E is not met (*i.e.,* two CREVS [control room emergency ventilation system] trains are inoperable for longer than allowed due to actions taken because of a tornado warning).

Date of issuance: March 28, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 112 (Unit 1) and 9 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML16330A347; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–90 and NPF–96: The amendments revised the Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** August 2, 2016 (81 FR 50740).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 2017.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 13th day of April 2017.

For the Nuclear Regulatory Commission.

Eric J. Benner,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–08115 Filed 4–24–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Power Uprates; Notice of Meeting

The ACRS Subcommittee on Power Uprates will hold a meeting on May 3, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, May 3, 2017—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review the Safety Evaluation Report associated with the Browns Ferry extended power uprate application. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Weidong Wang (Telephone 301–415–6279 or Email: *Weidong.Wang@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day

before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 19, 2017.

Mark L. Banks,

Branch Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–08338 Filed 4–24–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on May 3, 2017, 11545 Rockville Pike, Room T–2B3, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, May 3, 2017—12:00 p.m. Until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown at 240–888–9835 to be escorted to the meeting room.

Dated: April 19, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–08339 Filed 4–24–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment will hold a meeting on May 2, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday, May 2, 2017—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review the Level 3 PRA and will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christiana Lui (Telephone 301–415–2492 or Email *Christiana.Lui@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained

from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 19, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–08340 Filed 4–24–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0192]

Service Level I, II, III, and In-Scope License Renewal Protective Coatings Applied to Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide, issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 3 of Regulatory Guide (RG) 1.54, ''Service Level I, II, III, and In-Scope License Renewal Protective Coatings Applied to Nuclear Power Plants.'' This RG describes a method the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable for the selection, application, qualification, inspection, and maintenance of protective coatings applied to nuclear power plants (NPPs).

DATES: Revision 3 of RG 1.54 is available on April 25, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0192 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0192. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that a document is referenced. Revision 3 of RG 1.54 and the regulatory analysis may be found in ADAMS under Accession numbers ML17031A288 and ML16070A091 respectively.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

Regulatory guides are not copyrighted, and the NRC's approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Matthew G. Yoder, Office of Nuclear Reactor Regulation, telephone: 301–415–4017, email: *Matthew.Yoder@nrc.gov*; and Mark Orr, Office of Nuclear Regulatory Research, telephone: 301–415–6003, email: *Mark.Orr@nrc.gov.* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 3 of RG 1.54 was issued with a temporary identification of Draft Regulatory Guide, DG–1331. The purpose of issuing this RG is to endorse, with certain clarifications and exceptions, the use of American Society for Testing and Materials (ASTM International) Standard D 5144–08 (2016), ''Standard Guide for Use of Protective Coating Standards in Nuclear Power Plants,'' and multiple sub-tier ASTM International standards. ASTM International, standard D 5144–08 (2016) was issued in 2008 to provide a common basis on which protective coatings for the surfaces of nuclear power generating facilities may be qualified and selected through reproducible evaluation tests. This revision also expands the scope of this RG to address aging management of internal coatings and linings on components within the scope of license renewal under part 54 of title 10 of the *Code of Federal Regulations* (10 CFR).

Copies of the ASTM International standards identified in revision 3 of RG 1.54 are available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428–2959; telephone: 610–832–9585. Purchase information is also available through the ASTM Web site at *http://www.astm.org.*

II. Additional Information

The NRC published a notice of the availability of DG–1331 in the **Federal Register** on September 13, 2016, (81 FR 62935) for a 60-day public comment period. The public comment period closed on November 14, 2016. Public comments on DG–1331 and the NRC's responses to the public comments are available in ADAMS under Accession No. ML17031A299.

III. Congressional Review Act

This regulatory guide is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

Revision 3 of RG 1.54 endorses, with certain clarifications and exceptions, the use of ASTM International Standard D 5144–08 (2016), ''Standard Guide for Use of Protective Coating Standards in Nuclear Power Plants,'' and multiple sub-tier ASTM International standards. The ASTM International Standard D 5144–08 (2016) was issued to provide a common basis on which protective coatings for the surfaces of nuclear power generating facilities may be qualified and selected through reproducible evaluation tests. This revision also expands the scope to include internal coatings and linings on components within the scope of license renewal. In addition, the NRC made some clarifications and format changes that did not change the intent of the guidance.

RG 1.54 Revision 3 may be applied to current applications for operating licenses, combined licenses, early site permits, and certified design rules docketed by the NRC as of the date of issuance of the final RG, as well as future applications submitted after the issuance of the RG. Such action would not constitute backfitting as defined in section 50.109(a)(1) of title 10 of the *Code of Federal Regulations* (10 CFR), or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52, with certain exclusions discussed below, were intended to apply to every NRC action that substantially changes the expectations of current and future applicants.

The exceptions to this general principle are applicable whenever a combined license applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions. The NRC does not, at this time, intend to impose the positions represented in Revision 3 of RG 1.54 on combined license applicants in a manner that is inconsistent with any issue finality provisions. If, in the future, the NRC seeks to impose a position in Revision 3 of RG 1.54 in a manner that does not provide issue finality as described in the applicable issue finality provision, then the NRC must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 19th 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. 2017–08363 Filed 4–24–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, April 27, 2017 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matter at the closed meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Adjudicatory matters; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: April 20, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–08393 Filed 4–21–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32602; 812–14664]

Homestead Funds, Inc. and RE Advisers Corporation

April 19, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act. The requested exemption would permit an investment adviser to hire and replace certain sub-advisers without shareholder approval.

APPLICANTS: Homestead Funds, Inc. (the ''Corporation''), a Maryland corporation registered under the Act as an open-end management investment company with multiple series, and RE Advisers Corporation, a Virginia corporation registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Initial Manager,'' and, collectively with the Corporation, the ''Applicants'').

FILING DATES: The application was filed on June 21, 2016, and amended on November 1, 2016.

HEARING OR NOTIFICATION OF HEARING: An order granting the application 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 May 15, 2017, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, 4301 Wilson Boulevard, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenlees, Senior Counsel, at (202) 551–6879, 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.

Summary of the Application

1. The Manager (as defined below) will serve as the investment adviser to the Funds [1] pursuant to an investment advisory agreement with the Corporation (the ''Investment Management Agreement'').[2] The

[1] One of the Funds, the Stock Index Fund, currently operates as a feeder fund managed by a third-party manager and invests substantially all of its assets in a separate series of an unaffiliated investment company (the ''Master Fund''). The Stock Index Fund will not engage any sub-advisers other than through approving the engagement of one or more of the Master Fund's sub-advisers in the Stock Index Fund's capacity as a shareholder of the Master Fund. The Master Fund is not an Applicant and the Stock Index Fund will not rely on the requested order unless it is managed by the Manager and complies with all of the conditions in the application.

[2] Applicants request relief with respect to any existing or future series of the Corporation and any other existing or future registered open-end

Manager is responsible for the overall management of the Funds' business affairs and selecting investments according to each Fund's respective investment objective, policies, and restrictions, subject to the oversight and authority of each Fund's board of directors (''Board''). The Investment Management Agreement permits the Manager, subject to the approval of the Board, to delegate to one or more sub-advisers (each, a ''Sub-Adviser'' and collectively, the ''Sub-Advisers'') the responsibility to provide the day-to-day portfolio investment management of each Fund, subject to the supervision and direction of the Manager. The primary responsibility for managing the Funds will remain vested in the Manager. The Manager will hire, evaluate, allocate assets to and oversee the Sub-Advisers, including determining whether a Sub-Adviser should be terminated, at all times subject to the authority of the Board.

2. Applicants request an exemption to permit the Manager, subject to Board approval, to hire certain Sub-Advisers pursuant to Sub-Advisory Agreements and materially amend existing Sub-Advisory Agreements without obtaining the shareholder approval required under section 15(a) of the Act and rule 18f–2 under the Act.[3]

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions provide for, among other safeguards, appropriate disclosure to Fund shareholders and notification about sub-advisory changes and enhanced Board oversight to protect the interests of the Funds' shareholders.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such relief is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard because, as further explained in the application, the Investment Management Agreements will remain subject to shareholder approval, while the role of the Sub-Advisers is substantially similar to that of individual portfolio managers, so that requiring shareholder approval of Sub-Advisory Agreements would impose unnecessary delays and expenses on the Funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08288 Filed 4–24–17; 8:45 am]

BILLING CODE 8011–01–P

management investment company or series thereof that: (a) is advised by the Initial Manager, or any entity controlling, controlled by, or under common control with the Initial Manager or its successors (each, a ''Manager''); (b) uses the manager of managers structure described in the application; and (c) complies with the terms and conditions of the application (any such series, a ''Fund'' and collectively, the ''Funds''). For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[3] The requested relief will not extend to any sub-adviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Corporation, a Fund, or the Manager, other than by reason of serving as a sub-adviser to one or more of the Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80486; File No. SR–NYSEArca–2016–177]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Relating to the Listing and Trading of Shares of the USCF Canadian Crude Oil Index Fund Under NYSE Arca Equities Rule 8.200

April 19, 2017.

I. Introduction

On December 30, 2016, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') 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 list and trade shares (''Shares'') of the USCF Canadian Crude Oil Index Fund (''Fund'') under NYSE Arca Equities Rule 8.200. The proposed rule change was published for comment in the **Federal Register** on January 23, 2017.[3] On March 8, 2017, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission has received no comments on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.

II. Exchange's Description of the Proposal

The Exchange proposes to list and trade Shares of the Fund under NYSE Arca Equities Rule 8.200, Commentary .02, which governs the listing and trading of Trust Issued Receipts.[7] The Fund is a series of the United States Commodity Index Funds Trust (''Trust'') [8] and is a commodity pool that will continuously issue common shares of beneficial interest that may be purchased and sold on the Exchange. The Trust and the Fund are managed and controlled by United States Commodity Funds LLC (''USCF'' or ''Sponsor''), which is registered as a commodity pool operator with the Commodity Futures Trading Commission and is a member of the National Futures Association. Brown Brothers Harriman & Co., Inc. will be the administrator and custodian for the Fund. ALPS Distributors, Inc. will be the marketing agent (''Marketing Agent'') for the Fund.

The Exchange has made the following representations and statements in describing the Fund and its investment strategies, including the Fund's portfolio holdings and investment restrictions.[9]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79793 (January 13, 2017), 82 FR 7885 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 80180, 82 FR 13702 (March 14, 2017). The Commission designated April 23, 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.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] Commentary .02 to NYSE Arca Equities Rule 8.200 applies to Trust Issued Receipts that invest in ''Financial Instruments.'' The term ''Financial Instruments,'' as defined in Commentary .02(b)(4) to NYSE Arca Equities Rule 8.200, means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars, and floors; and swap agreements.

[8] According to the Exchange, the Trust filed with the Commission on June 16, 2016 a registration statement on Form S–1 under the Securities Act of 1933 relating to the Fund (File No. 333–212089) (''Registration Statement'').

[9] The Commission notes that additional information regarding the Trust, the Fund, and the Shares, including investment strategies, risks, net asset value (''NAV'') calculation, creation and redemption procedures, fees, availability of information, trading rules and halts, surveillance, information bulletins, distributions, and taxes, among other information, is included in the Notice and the Registration Statement, as applicable. *See* Notice and Registration Statement, *supra* notes 3 and 8, respectively.

A. Investment Objective and Principal Investments of the Fund

According to the Exchange, the investment objective of the Fund is for the daily changes in percentage terms of its per-Share NAV to reflect the daily changes in percentage terms of the Canadian Crude Excess Return Index (''CCIER''),[10] plus interest income from the Fund's short-term fixed income holdings, less the Fund's expenses. The CCIER targets an exposure that represents an approximately 3-month rolling position in the following futures contracts: (i) ICE Crude Diff—TMX WCS 1B Index Futures (''WCS Futures'') and (ii) ICE WTI Crude Futures (''WTI Futures,'' and together with WCS Futures, collectively, ''Benchmark Component Futures Contracts'').[11]

The Fund will seek to achieve its investment objective by first entering into cash-settled over-the-counter (''OTC'') total return swap and forward transactions intended to replicate the return of the CCIER (''OTC Derivatives Contracts'') and, second, to the extent market conditions are more favorable for futures as compared to OTC Derivatives Contracts, investing in the Benchmark Component Futures Contracts that comprise the CCIER. The Fund will support these investments by holding the amounts of its margin, collateral, and other requirements relating to these obligations in short-term obligations of the United States of two years or less, cash, and cash equivalents.

If constrained by regulatory requirements, or in view of market conditions, or if one or more of the other Benchmark Component Futures Contracts is not available, the Fund may next invest in exchange-traded futures contracts that are economically identical or substantially similar to the Benchmark Component Futures Contracts, *e.g.,* futures contracts that are based on changes in the price of WTI oil traded on the Chicago Mercantile Exchange. When, in view of regulatory requirements and market conditions, the Fund has invested to the fullest extent possible in the OTC Derivatives Contracts and exchange-traded futures contracts, the Fund may then invest in other OTC derivative contracts and/or other contracts and instruments based on the Benchmark Component Futures Contracts or on the price of the crude oil underlying the Benchmark Component Futures Contracts, such as cash-settled options, cleared swap contracts, and swap contracts other than cleared swap contracts.[12]

The Fund will seek to achieve its investment objective by investing so that the average daily percentage change in the Fund's NAV for any period of 30 successive valuation days will be within plus/minus 10% of the average daily percentage change in the CCIER over the same period. The Sponsor believes that market arbitrage opportunities will cause daily changes in the Fund's Share price on the Exchange on a percentage basis to closely track the daily changes in the Fund's per Share NAV on a percentage basis. The Sponsor also believes that the net effect of this expected relationship and the expected relationship described above between the Fund's per Share NAV and the CCIER will be that the daily changes in the price of the Fund's Shares on the Exchange on a percentage basis will closely track the daily changes in the CCIER on a percentage basis, plus interest income from the Fund's short-term fixed income holdings, less the Fund's expenses.

B. OTC Derivatives Contracts

According to the Exchange, the Fund will primarily invest in OTC Derivatives Contracts that are based on Benchmark Component Futures Contracts and, in the opinion of the Sponsor, are traded in sufficient volume to permit the ready taking and liquidation of positions.[13]

The Fund may enter into multiple OTC Derivatives Contracts for the purpose of achieving its investment objective. If an OTC Derivatives Contract is terminated, the Fund may either pursue the same or other alternative investment strategies with an acceptable counterparty, or make direct investments in the Benchmark Component Futures Contracts or other investments that provide a similar return to investing in the Benchmark Component Futures Contracts.

The Fund may also enter into certain transactions where an OTC component is exchanged for a corresponding futures contract (''EFRP'' transactions).[14] The Fund may also employ spreads or straddles in its trading to mitigate the differences in its investment portfolio and its goal of tracking the price of the Benchmark Component Futures Contracts.[15]

III. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEArca–2016–177 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[16] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the

[10] The Exchange represents that the CCIER is owned and maintained by Auspice Capital Advisors Ltd. and is designed to measure the performance of the Canadian crude oil market. It is calculated and tracked daily and reported each trading day via major market data vendors.

[11] According to the Exchange, the WCS Futures are monthly cash-settled futures based on the TMX WCS (Western Canadian Select) Daily Weighted Average Price Index (''TMX WCS 1b Index'') traded on ICE Futures Europe. The TMX WCS 1b Index is expressed as a differential to the NYMEX WTI 1st Line Futures (Calendar Month Average). The WTI Futures are the ICE West Texas Intermediate (WTI) Light Sweet Crude Oil Futures Contracts traded on ICE Futures Europe. ICE Futures Europe, NYMEX, and other futures exchanges on which the Fund may trade listed futures contracts are referred to collectively as ''Futures Exchanges.''

[12] The Exchange notes that Benchmark Component Futures Contracts, other exchange-traded futures contracts that are economically identical or substantially similar to the Benchmark Component Futures Contracts, and other contracts and instruments based on the Benchmark Component Futures Contracts, are referred to collectively as ''Other Crude Oil-Related Investments,'' and together with OTC Derivatives Contracts, ''Crude Oil Interests.'' The Exchange notes that market conditions that USCF currently anticipates could cause the Fund to invest in Other Crude Oil-Related Investments include those allowing the Fund to obtain greater liquidity, to execute transactions with more favorable pricing, or if the Fund or USCF exceeds position limits or accountability levels established by an exchange.

[13] The Exchange states that the OTC Derivatives Contracts will be entered between two parties, outside of public exchanges, in private contracts. Unlike the exchange-traded Benchmark Component Futures Contracts, each party to an OTC Derivatives Contract bears credit risk with respect to the other party. To reduce such credit risk, the Fund will generally enter into an agreement with each counterparty based on the Master Agreement published by the International Swaps and Derivatives Association, Inc. (''ISDA'') that provides for the netting of overall exposure between counterparties. In accordance with the terms and conditions of the Fund's ISDA Master Agreement, pursuant to which the Fund's OTC Derivatives Contracts will be entered into, the Fund will be entitled to increase or decrease its notional exposure to the CCIER from time to time to, among other things, manage Share purchases and reinvestment of distributions, Fund Share redemptions and market repurchases of Shares, and meet other liquidity needs. Reducing notional exposure may be achieved through different methods, including the use of offsetting forwards and partial terminations of OTC Derivatives Contracts. Moreover, the Exchange states that, in connection with the Master Agreements, the Sponsor will enter into ISDA Credit Support Annexes with its counterparties to mitigate counterparty credit exposure. According to the Exchange, the Sponsor will assess or review, as appropriate, the creditworthiness of each potential or existing counterparty to an OTC Derivatives Contract pursuant to guidelines approved by the Sponsor's board. In respect of the OTC Derivatives Contracts, the Fund will have the ability to replace a counterparty or engage additional counterparties at any time.

[14] According to the Exchange, in the most common type of EFRP transaction entered into by the Fund, the OTC component is the purchase or sale of one or more baskets of the Fund's Shares.

[15] The Exchange states that the Fund would use a spread when it chooses to take simultaneous long and short positions in futures written on the same underlying asset, but with different delivery months.

[16] 15 U.S.C. 78s(b)(2)(B).

legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[17] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' [18]

Under the proposal, the NAV for a normal trading day will be released after 4:00 p.m. Eastern Time (''E.T.''), and an Authorized Participant must place an order with the Marketing Agent to redeem one or more baskets of Shares by 10:30 a.m. E.T. or the close of regular trading on the Exchange, whichever is earlier. The Commission notes that the proposal does not specify the creation order cut-off time, and does not provide an explanation for the early redemption order cut-off time. The proposal also does not explain whether an early cut-off time would have any impact on the trading of the Shares, including any impact on arbitrage. Accordingly, the Commission seeks commenters' views on the 10:30 a.m. E.T. (or the close of regular trading on the Exchange, whichever is earlier) cut-off time, and whether the Exchange's statements relating to the creation and redemption process support a determination that the listing and trading of the Shares would be consistent with Section 6(b)(5) of the Act, which, among other things, requires that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest.

In addition, under the proposal, the Fund will seek to achieve its investment objective by holding Crude Oil Interests.[19] The Exchange states that the Fund's total portfolio composition will be disclosed each business day that the Exchange is open for trading on the Fund's Web site. The Web site disclosure will include, with respect to OTC Derivatives Contracts and each Benchmark Component Futures Contract, their name, percentage weighting, and value. The Commission seeks commenters' views on the sufficiency of the information that would be provided with respect to the Fund's Crude Oil Interests, and whether the information will allow market participants to value these interests intraday.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[20]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by May 16, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by May 30, 2017. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,[21] in addition to any other comments they may wish to submit about the proposed rule change.

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–2016–177 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–2016–177. 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–2016–177 and should be submitted on or before May 16, 2017. Rebuttal comments should be submitted by May 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08284 Filed 4–24–17; 8:45 am]

BILLING CODE 8011–01–P

[17] *Id.*

[18] 15 U.S.C. 78f(b)(5).

[19] *See supra* note 12 (defining ''Crude Oil Interests'').

[20] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[21] *See supra* note 3.

[22] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80487; File No. SR–NASDAQ–2017–037]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Fees at Rule 7030(d)(3)

April 19, 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 April 10, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's fees at Rule 7030(d)(3) to limit the time that the waiver of fees provided by the rule are available and to change how the current limitation under Rule 7030(d)(3)(C) is triggered.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange initially filed the proposed pricing changes on April 3, 2017 (SR–NASDAQ–2017–036). On April 10, 2017, the Exchange withdrew that filing and submitted this filing.

The purpose of the proposed rule change is to amend the Exchange's fees at Rule 7030(d)(3) to limit all of the waiver of fees provided by the rules and to change how the current limitation under Rule 7030(d)(3)(C) is triggered. Rule 7030(d) provides fees for use of the Nasdaq Testing Facility (''NTF''). The NTF provides subscribers with a virtual Nasdaq System test environment that closely approximates the production environment and on which they may test their automated systems that integrate with Nasdaq. For example, the NTF provides subscribers a virtual System environment for testing upcoming Nasdaq releases and product enhancements, as well as testing firm software prior to implementation.

The Exchange assesses certain fees under the rule for use of the NTF. Subscribers that conduct tests of the computer-to-computer interface and the Financial Information Exchange interface to ACT and ACES access protocols through the NTF are assessed a fee of $285/hour for Active Connection testing during the normal operating hours of the NTF. Subscribers are also assessed $333/hour for Active Connection testing at all times other than the normal operating hours of the NTF. Subscribers are not assessed a fee for Idle Connection testing. Moreover, subscribers that conduct tests of all Nasdaq access protocol connections not described above, or of market data vendor feeds through the NTF, are assessed $300 per port, per month. Last, subscribers to the NTF located in Carteret, New Jersey are assessed a fee of $1,000 per hand-off, per month for connection to the NTF. The hand-off fee includes either a 1Gb or 10Gb switch port and a cross connect to the NTF. Subscribers are also assessed a one-time installation fee of $1,000 per handoff.

Under Rule 7030(d)(3), the Exchange provides three exemptions from the testing fees described above. First, a subscriber is not assessed a fee for testing new or enhanced services and/or software provided by Nasdaq.[3] Second, a subscriber is not assessed a fee for testing modifications to software and/or services initiated by Nasdaq in response to a contingency.[4] Third, a subscriber is not assessed a fee for testing by a subscriber of a Nasdaq service that the subscriber has not used previously, except if more than 30 days have elapsed since the subscriber commenced the testing of such Nasdaq service.[5]

The Exchange is proposing to limit the duration of all exemptions from the fees provided under Rule 7030(d)(3). First, the Exchange is proposing to segregate testing of new services provided by Nasdaq from enhanced services provided by Nasdaq. As noted above, such services are currently not subject to limitation on the exemption from testing fees. As discussed below, the Exchange is proposing to allow testing at no cost for new services for 60 calendar days from the subscriber's notification to Nasdaq[6] of its commencement of testing, which will be incorporated into Rule 7030(d)(C). The Exchange is proposing to allow free testing of enhanced services and/or software provided by Nasdaq for 30 calendar days from the subscriber's notification to Nasdaq[7] of its commencement of testing.

Second, the Exchange is proposing to limit the free period for testing of modifications to software and/or services initiated by Nasdaq in response to a contingency to 30 calendar days from the subscriber's notification to Nasdaq that it is commencing testing. The Exchange believes that 30 calendar days is a reasonable time for a subscriber to fully test modifications to software and/or services initiated by Nasdaq in response to a contingency because such changes are less impactful to subscribers as compared to a wholly-new service, or one that is wholly-new to that subscriber. Like the proposed 60 calendar day period allowed for testing a service that a member has not used previously and the proposed 30 calendar day period for enhanced services and/or software, the Exchange is proposing to begin the 30 calendar period upon the subscriber's notification to Nasdaq[8] of its commencement of testing.

Last, the Exchange is proposing to change what triggers the limitation under Rule 7030(d)(3)(C) and increase the free period from 30 to 60 calendar days. Currently under Rule 7030(d)(3)(C), testing by a subscriber of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 7030(d)(3)(A).

[4] *See* Rule 7030(d)(3)(B).

[5] *See* Rule 7030(d)(3)(C).

[6] The Exchange will require subscribers to provide notice to the Exchange via email to *NTFbilling@nasdaq.com.* Without such notice, normal fees under the rule would apply.

[7] *Id.*

[8] *Id.*

a Nasdaq service that the subscriber has not used previously is provided at no cost, except if more than 30 days have elapsed since the subscriber commenced the testing of such Nasdaq service. The Exchange is proposing to harmonize the trigger of the free period with that of the other proposed free periods by amending the rule to reflect that initiation of the period will begin upon the subscriber's notification to Nasdaq [9] of its commencement of testing instead of the actual initiation thereof. As noted above, the Exchange is also incorporating testing of new services provided by Nasdaq under current Rule 7030(d)(3)(A) into Rule 7030(d)(3)(C). The Exchange notes that all new services provided by Nasdaq are, by definition, new to a subscriber. Thus, current Rule 7030(d)(3)(A) is unclear at what point a new service provided by Nasdaq is no longer ''new.'' Accordingly, the Exchange is instead treating every service that is new to the subscriber equally under the rule. Although the Exchange believes that testing of a new service may be completed within 30 calendar days, the Exchange is increasing the fee waiver period to 60 calendar days. The Exchange believes that, given the complexity of the markets and the need to ensure that systems function as intended prior to implementation, 60 calendar days is a reasonable time during which a member can adequately test a service that is new to them.

The Exchange is also proposing to delete text concerning a limited time waiver of fees, which has since expired.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed change is reasonable because it will apply the current fees under Rule 7030(d), which have previously been determined to be reasonable, after a certain time has passed. As described above, the fees under Rule 7030(d) are currently waived for an indefinite time under Rules 7030(d)(3)(A) and (B). The proposed change will apply the fees under Rule 7030(d) once the applicable new fee waiver period has expired.

The Exchange believes that the proposed change is equitably allocated and not unfairly discriminatory to subscribers because the proposal removes a distinction that is currently made in the rules that provides subscribers unlimited testing opportunities at no cost in perpetuity, which benefits subscribers that are slow to test changes over those that test timely. Specifically, the Exchange incurs expense in offering the NTF, which is covered by the fees that it assesses for the use thereof. Users of the NTF that are inefficient in their testing represent an inordinate cost based on their use as compared to users of the NTF that test efficiently because inefficient users typically use the NTF significantly more over a longer period of time, which in turn leads to increased costs to the Exchange in offering the platform free of charge indefinitely. These costs are ultimately borne by all users of the NTF in the fees that are assessed by the Exchange for use thereof. Instead of proposing an increase to the fees, the Exchange is instead proposing to apply discipline to the use of the NTF by limiting the fee waiver period for new services to 60 calendar days from the subscriber's notification to Nasdaq of its commencement of the testing of a service that has not been used by the subscriber previously, and limiting the fee waiver period to 30 calendar days from the subscriber's notification to Nasdaq of its commencement of the testing of enhanced or modified services and/or software provided by Nasdaq. Thus, all subscribers may take the steps necessary to test changes and new software and services within the proposed fair length of time or test such changes for a fee pursuant to the fee schedule to the extent the subscriber is unable to complete such testing during the free waiver period. The Exchange has determined that 30 calendar days is a fair length of time for subscribers to test enhanced services and/or software, as well as modifications to software and/or services, as it is consistent with the current limited waiver provided under Rule 7030(d)(3)(C). The Exchange believes that providing 60 calendar days following a subscriber's notification to Nasdaq of its commencement of the testing of a service that has not been used by the subscriber previously as compared to 30 calendar days for all other types of testing under Rule 7030(d)(3) is an equitable allocation and not unfairly discriminatory because enhancements and modifications to existing services or software are less impactful to subscribers as compared to a wholly-new service, or one that is wholly-new to that subscriber. Last, amending the trigger of the free period for testing of a Nasdaq service that the subscriber has not used previously from the date of commencement of testing to the date that the subscriber notified Nasdaq that it has commenced testing will make the application of the waiver consistent with the proposed waivers provided under proposed Rules 7030(d)(3)(A) and (B), and will more accurately reflect the method that Nasdaq currently uses.

B. Self-Regulatory Organization's Statement on Burden on Competition

In this instance, the proposed changes to the waiver of charges assessed under Rule 7030(d) for use of the NTF do not impose a burden on competition because the Exchange is changing the length of time within which a subscriber may test a service at no cost. The Exchange is providing reasonable timeframes during which a subscriber may test at no cost, after which the subscriber may continue to test but for a fee as provided by the rule. Thus, a subscriber will have adequate time to test at no cost and use of the NTF beyond the allocated free testing periods is completely voluntary. The proposed limitation of the fee waiver will bring discipline to the use of the NTF while also providing ample time for subscribers to use the NTF for testing services and software pursuant to Rule 7030(d)(3). In this regard, to the extent a subscriber does not complete the testing exempted under proposed new Rules 7030(d)(3)(A) through (C), the subscriber may continue to test the changes, but will be assessed the fees for use of the NTF under the rule. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

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.

[9] *Id.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–037 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2017–037. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–037, and should be submitted on or before May 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08285 Filed 4–24–17; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80489; File No. SR–DTC–2017–004; SR–NSCC–2017–005; SR–FICC–2017–008]

Self-Regulatory Organizations; The Depository Trust Company; National Securities Clearing Corporation; Fixed Income Clearing Corporation; Notice of Filings of Proposed Rule Changes, as Modified by Amendments No. 1, To Adopt the Clearing Agency Liquidity Risk Management Framework

April 19, 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 April 6, 2017, The Depository Trust Company (''DTC''), National Securities Clearing Corporation (''NSCC''), and Fixed Income Clearing Corporation (''FICC'', and together with DTC and NSCC, the ''Clearing Agencies''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes. On April 13, 2017, the Clearing Agencies filed Amendments No. 1 to the proposed rule changes, which made technical corrections to the Table of Contents in the Exhibit 5s. The proposed rule changes, as modified by Amendments No. 1 (hereinafter, collectively ''Proposed Rule Changes''), are described in Items I and II below, which Items have been prepared primarily by the Clearing Agencies. The Commission is publishing this notice to solicit comments on the Proposed Rule Changes from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Clearing Agencies' Statements of the Terms of Substance of the Proposed Rule Changes

The Proposed Rule Changes would adopt the Clearing Agency Liquidity Risk Management Framework (''Framework'') of the Clearing Agencies, described below. The Framework would apply to both of FICC's divisions, the Government Securities Division (''GSD'') and the Mortgage-Backed Securities Division (''MBSD''). The Framework would be maintained by the Clearing Agencies in compliance with Rule 17Ad–22(e)(7)(i), (ii), and (iv) through (ix) under the Act, as described below.[3]

Although the Clearing Agencies would consider the Framework to be a rule, the Proposed Rule Changes do not require any changes to the Rules, By-laws and Organization Certificate of DTC (''DTC Rules''), the Rulebook of GSD (''GSD Rules''), the Clearing Rules of MBSD (''MBSD Rules''), or the Rules & Procedures of NSCC (''NSCC Rules''), as the Framework would be a standalone document.[4]

II. Clearing Agencies' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the Clearing Agencies included statements concerning the purpose of and basis for the Proposed Rule Changes and discussed any comments they received on the Proposed Rule Changes. The text of these statements may be examined at the places specified in Item IV below. The Clearing Agencies have prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agencies' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Clearing Agencies are proposing to adopt the Framework, which would set forth the manner in which the Clearing Agencies measure, monitor and

[3] 17 CFR 240.17Ad–22(e)(7)(i), (ii), and (iv) through (ix). The Commission adopted amendments to Rule 17Ad–22, including the addition of new section 17Ad–22(e), on September 28, 2016. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14). Each of the Clearing Agencies is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5), and must comply with new section (e) of Rule 17Ad–22 by April 11, 2017.

[4] Capitalized terms not defined herein are defined in the DTC Rules, GSD Rules, MBSD Rules, or NSCC Rules, as applicable, *available at http://dtcc.com/legal/rules-and-procedures.*

manage the liquidity risks that arise in or are borne by each of the Clearing Agencies, including (i) the manner in which the Clearing Agencies would deploy liquidity tools to meet their settlement obligations on an ongoing and timely basis and (ii) each applicable Clearing Agency's use of intraday liquidity. The Framework would apply to the liquidity risk management of each of the Clearing Agencies.

The Framework would be owned and managed by the Liquidity Product Risk Unit (''LPRU'').[5] The Framework would outline the regulatory requirements that apply to each Clearing Agency with respect to liquidity risk management, and then would describe how the Clearing Agencies each meet those requirements. Because the regulatory requirements, liquidity risks, and liquidity resources that apply to or are available to each Clearing Agency are different, the Framework would separately describe the liquidity resources and related risk management tools available to each Clearing Agency and, with respect to FICC, to GSD and MBSD.

The Framework would describe each Clearing Agency's liquidity risk management strategy and objectives, which, for FICC and NSCC, is to maintain sufficient liquid resources in order to meet the potential amount of funding required to settle outstanding transactions of a defaulting Member, or affiliated family (''Affiliated Family'') of Members, in a timely manner.[6] DTC's liquidity management strategy and controls are designed to maintain sufficient available liquid resources to complete system-wide settlement on each business day with a high degree of confidence notwithstanding the failure to settle of a Participant or Affiliated Family of Participants. The Framework would also state that DTC operates on a fully collateralized basis.

The Framework would address how each of the Clearing Agencies meets its requirement to hold qualifying liquid resources, as such term is defined in Rule 17Ad–22(a)(14) under the Act,[7] sufficient to meet its minimum liquidity resource requirement in each relevant currency for which it has payment obligations owed to its Members or Participants, as applicable. The Framework would also describe the manner in which each of FICC and NSCC measures the sufficiency of their respective qualifying liquid resources through daily liquidity studies, across a range of stress scenarios. With respect to DTC, the Framework would set forth that DTC's structural features, including the Collateral Monitor, Net Debit Cap, and Participants Fund, limit the liquidity requirements in default scenarios.

The Framework would identify each of the qualifying liquid resources available to each Clearing Agency, including both GSD and MBSD. Such qualifying liquid resources include, for example, (1) deposits to the Clearing Agencies' respective Clearing Funds, or, for DTC, its Participants Fund, made by participants pursuant to the respective rules,[8] (2) for DTC and NSCC, an annual committed credit facility,[9] (3) for NSCC, its Members' Supplemental Liquidity Deposits,[10] and (4) for GSD and MBSD, a rule-based Capped Contingency Liquidity Facility (''CCLF'') program.[11] The Framework would also state that the Clearing Agencies may have access to other available resources that may not meet the definition of qualifying liquid resources.

The Framework would describe how FICC and NSCC perform daily liquidity studies to measure the sufficiency of their available liquid resources to meet the cash settlement obligations of their largest Affiliated Family, in compliance with the requirements under Rule 17Ad–22(e)(7)(vi)(A) under the Act.[12] The Framework would describe the manner in which daily liquidity studies are performed for both FICC and NSCC, including the assumptions used to determine each participant's total liquidity need. The Framework would state that FICC and NSCC liquidity sufficiency testing is performed daily with respect to three types of scenarios—(1) normal market scenarios, as a baseline reference point to assess other stress assumptions, (2) stressed, extreme but plausible scenarios, and (3) the same stressed, extreme but plausible scenarios applied under severely adverse market conditions that could coincide with the default of a participant. The Framework would describe the manner in which scenarios reflecting these three sets of conditions are developed and selected for testing. The Framework would describe how liquidity testing reporting is escalated on at least a monthly basis, and how these results are used to evaluate the adequacy of the liquidity resources of FICC or NSCC.

The Framework would describe how the tools available to DTC under the DTC Rules (*e.g.,* Collateral Monitor and Net Debit Cap) [13] allow it to regularly test the sufficiency of liquid resources on an intraday and end-of-day basis and adjust to stressed circumstances during a settlement day to protect itself and Participants against liquidity exposure under normal and stressed market conditions.

The Framework would describe how the Clearing Agencies undertake due diligence with respect to their liquidity providers, and conduct testing with those providers at least annually. The Framework would describe how the Clearing Agencies review the limits of outstanding investments and collateral held (if applicable) of each Clearing Agency's investment counterparties, and conduct formal reviews of the reliability of its qualified liquid resource providers in extreme but plausible market conditions.

The Framework would describe how the Clearing Agencies address foreseeable liquidity shortfalls that would not be covered by their existing liquid resources, including through modifications to those existing liquid resources, for example, and would describe how their existing qualified liquid resources may be replenished. The Framework would state that the Clearing Agencies' liquidity risk models are subject to independent model validation on at least an annual basis. Finally, the Framework would describe the manner in which Clearing Agency liquidity risks are assessed and escalated through liquidity risk

[5] The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared services model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a Clearing Agency.

[6] FICC and NSCC refer to their participants as ''Members,'' while DTC refers to its participants as ''Participants.'' These terms are defined in the rules of each of the Clearing Agencies. *Supra* note 4. In this filing ''participant'' or ''participants'' refers to both the Members of FICC and NSCC and the Participants of DTC.

[7] 17 CFR 240.17Ad–22(a)(14).

[8] DTC Rule 4 (Participants Fund and Participants Investment), FICC/GSD Rule 4 (Clearing Fund and Loss Allocation), FICC/MBSD Rule 4 (Clearing Fund and Loss Allocation), NSCC Rule 4 (Clearing Fund). *Supra* note 4.

[9] *See* Securities Exchange Act Release No. 77750 (April 29, 2016), 81 FR 27181 (May 5, 2016) (SR–DTC–2016–801, SR–NSCC–2016–801).

[10] NSCC Rule 4A (Supplemental Liquidity Deposits). *Supra* note 4.

[11] MBSD Rule 17, Section 2a (Procedures for When the Corporation Ceases to Act). *Supra* note 4. FICC/GSD has filed a proposed rule change and related advance notice to adopt a CCLF program. *See* Securities Exchange Act Release No. 80234 (March 14, 2017), 82 FR 14401 (March 20, 2017) (SR–FICC–2017–002) and Securities Exchange Act Release No. 80191 (March 9, 2017), 82 FR 13876 (March 15, 2017) (SR–FICC–2017–802). Upon Commission approval of this proposed rule change, FICC/GSD's CCLF program will become a qualifying liquid resource of FICC/GSD.

[12] 17 CFR 240.17Ad–22(e)(7)(vi)(A). *Supra* note 3.

[13] ''Collateral Monitor'' and ''Net Debit Cap'' are defined in DTC Rule 1, Section 1 (Definitions), and their calculations are further provided for in the DTC Settlement Service Guide of the DTC Rules. *Supra* note 4.

management controls that include a statement of risk tolerances that are specific to liquidity risk (''Liquidity Risk Tolerance Statement''), and an operational risk profile of LPRU, which contains consolidated risk and control data. The Liquidity Risk Tolerance Statement is reviewed by management within the LPRU annually, and is escalated to the Risk Committee of the Boards for review and approval at least annually.

2. Statutory Basis

The Clearing Agencies believe that the Proposed Rule Changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, the Clearing Agencies believe that the Framework is consistent with Section 17A(b)(3)(F) of the Act [14] and the subsections cited below of Rule 17Ad–22(e)(7),[15] each promulgated under the Act, for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of the Clearing Agencies be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the Clearing Agencies or for which they are responsible.[16] As described above, the Framework would describe how the Clearing Agencies have developed and carry out a liquidity risk management strategy such that, with respect to FICC and NSCC, they maintain liquid resources sufficient to meet the potential amount of funding required to settle outstanding transactions of a defaulting Member or Affiliated Family in a timely manner, and with respect to DTC, it maintains sufficient available liquid resources to complete system-wide settlement on each business day, with a high degree of confidence and notwithstanding the failure to settle of the Participant or Affiliated Family of Participants with the largest settlement obligation. As such, the Clearing Agencies' liquidity risk management strategies address the Clearing Agencies' maintenance of sufficient liquid resources, which allow them to continue the prompt and accurate clearance and settlement of securities and can continue to assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible notwithstanding the default of a Member of an Affiliated Family. Therefore, the Clearing Agencies believe the Framework, which describes how the Clearing Agencies carry out these strategies, is consistent with the requirements of Section 17A(b)(3)(F) of the Act.[17]

Rule 17Ad–22(e)(7) under the Act, which requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to, among other things effectively measure, monitor, and manage the liquidity risks that arise in or are borne by the covered clearing agency, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity.[18] The Clearing Agencies believe that the Framework is designed to meet the requirements of the following subsections of Rule 17Ad–22(e)(7), cited below, for the reasons described below.[19]

Rule 17Ad–22(e)(7)(i) under the Act requires that a covered clearing agency maintain sufficient liquid resources at the minimum in all relevant currencies to effect same-day and, where appropriate, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions.[20] As described above, the Framework would describe how the Clearing Agencies have developed and carry out a liquidity risk management strategy such that, with respect to FICC and NSCC, they maintain liquid resources sufficient to meet the potential amount of funding required to settle outstanding transactions of a defaulting Member or Affiliated Family in a timely manner, and with respect to DTC, it maintains sufficient available liquid resources to complete system-wide settlement on each business day, with a high degree of confidence and notwithstanding the failure to settle of the Participant or Affiliated Family of Participants with the largest settlement obligation. The Framework would also describe how FICC and NSCC perform daily liquidity studies, which are designed to measure the sufficiency of their available liquid resources to meet the cash settlement obligations of their largest Affiliated Family in a number of scenarios, including (1) normal market conditions, as a baseline reference point to assess other stress assumptions, (2) stressed, extreme but plausible scenarios, and (3) the same stressed, extreme but plausible scenarios applied under severely adverse market conditions that could coincide with the default of a participant. The Framework would also describe how DTC's risk management tools allow DTC to regularly test the sufficiency of its liquid resources on an intraday and end-of-day basis and adjust to stressed circumstances during the settlement day to protect itself and Participants against liquidity exposure under normal and stressed market conditions. The Framework would also identify each of the qualified liquid resources being held by the Clearing Agencies in all relevant currencies. As such, the Clearing Agencies believe the Framework is consistent with Rule 17Ad–22(e)(7)(i).[21]

Rule 17Ad–22(e)(7)(ii) under the Act requires that a covered clearing agency hold qualifying liquid resources sufficient to meet the minimum liquidity resource requirement under Rule 17Ad–22(e)(7)(i) in each relevant currency for which the covered clearing agency has payment obligations owed to clearing members.[22] As described above, the Framework would identify each of the resources being held by each of the Clearing Agencies in all relevant currencies, which meet the definition of ''qualified liquid resources'' set forth in Rule 17Ad–22(e)(14).[23] Therefore, the Clearing Agencies believe the Framework supports the Clearing Agencies' compliance with Rule 17Ad–22(e)(7)(ii) by identifying the qualified liquid resources, as such term is defined in the Act, being held by each of the Clearing Agencies.[24]

Rule 17Ad–22(e)(7)(iv) under the Act requires that a covered clearing agency undertake due diligence to confirm that it has a reasonable basis to believe each of its liquidity providers, whether or not such liquidity provider is a clearing member, has (A) sufficient information to understand and manage the liquidity provider's liquidity risks; and (B) the capacity to perform as required under its commitments to provide liquidity to the covered clearing agency.[25] Further, Rule 17Ad–22(e)(7)(v) under the Act requires that a covered clearing agency maintain and test with each liquidity

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 17 CFR 240.17Ad–22(e)(7). *Supra* note 3.

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] *Id.*

[18] 17 CFR 240.17Ad–22(e)(7). *Supra* note 3.

[19] *Id.*

[20] 17 CFR 240.17Ad–22(e)(7)(i). *Supra* note 3.

[21] *Id.*

[22] 17 CFR 240.17Ad–22(e)(7)(ii). *Supra* note 3.

[23] 17 CFR 240.17Ad–22(e)(14). *Supra* note 3.

[24] 17 CFR 240.17Ad–22(e)(7)(ii). *Supra* note 3.

[25] 17 CFR 240.17Ad–22(e)(7)(iv). *Supra* note 3.

provider, to the extent practicable, the covered clearing agency's procedures and operational capacity for accessing each type of relevant liquid resource under Rule 17Ad–22(e)(7)(i) at least annually.[26] The Framework would describe how the Clearing Agencies undertake due diligence with respect to their liquidity providers, as reasonably necessary in order to validate each such provider has sufficient liquid resources, understands its liquidity obligations, and has the capacity to perform on those obligations. These reviews, as described in the Framework, would also include a credit analysis of each liquidity provider. Further, the Framework would describe annual testing of the DTC and NSCC committed credit facility, which is conducted to confirm the lenders are operationally able to perform their commitments and are familiar with the drawdown process. Therefore, the Clearing Agencies believe the Framework is consistent with Rules 17Ad–22(e)(7)(iv) and (v) under the Act, because it would describe the Clearing Agencies' due diligence practices with respect to their liquidity providers, and the annual testing conducted with respect to the DTC and NSCC committed credit facility.[27]

Rule 17Ad–22(e)(7)(vi) under the Act requires that a covered clearing agency determine the amount and regularly test the sufficiency of the liquid resources held for purposes of meeting the minimum liquid resource requirement under Rule 17Ad–22(e)(7)(i) by, at a minimum: (A) Conducting stress testing of its liquid resources at least once each day using standard and predetermined parameters and assumptions; (B) conducting a comprehensive analysis on at least a monthly basis of the existing stress testing scenarios, models, and underlying parameters and assumptions used in evaluating liquidity needs and resources, and considering modifications to ensure they are appropriate for determining the clearing agency's identified liquidity needs and resources in light of current and evolving market conditions; (C) conducting a comprehensive analysis of the scenarios, models, and underlying parameters and assumptions used in evaluating liquidity needs and resources more frequently than monthly when the products cleared or markets served display high volatility or become less liquid, when the size or concentration of positions held by the clearing agency's participants increases significantly, or in other appropriate circumstances described in such policies and procedures; and (D) reporting the results of its analyses under Rule 17Ad–22(e)(7)(vi)(B) and (C) to appropriate decision makers at the covered clearing agency, including but not limited to, its risk management committee or board of directors, and using these results to evaluate the adequacy of and adjust its liquidity risk management methodology, model parameters, and any other relevant aspects of its liquidity risk management framework.[28]

As described above, the Framework would describe the daily liquidity studies performed by FICC and NSCC to measure the sufficiency of its available liquid resources, including the manner in which these studies are performed, and the assumptions used to determine each participant's total liquidity need. The Framework would describe the manner in which scenarios are developed and selected for testing, and how FICC and NSCC continuously evaluate these scenarios to affirm that they continue to be appropriate, and to determine if they should be modified. The Framework would also describe how liquidity testing reporting is escalated on at least a monthly basis to the management committee responsible for oversight of risk management matters, and how these results are used to evaluate the adequacy of the liquidity resources of FICC or NSCC. With respect to DTC, the Framework would describe how DTC relies on the tools available under the DTC Rules (*e.g.,* the Net Debit Cap and the Collateral Monitor) to regularly test the sufficiency of the liquid resources on an intraday and end-of-day basis and adjust to stressed circumstances during a settlement day to protect DTC and Participants against liquidity exposure under normal and stressed market conditions. Therefore, the Clearing Agencies believe the Framework is consistent with Rule 17Ad–22(e)(7)(vi) under the Act.[29]

Rule 17Ad–22(e)(7)(vii) under the Act requires that a covered clearing agency perform a model validation of its liquidity risk models not less than annually or more frequently as may be contemplated by the covered clearing agency's risk management framework established pursuant to Rule 17Ad–22(e)(3).[30] The Framework would describe how the Clearing Agencies' liquidity risk models are subject to independent model validations on at least an annual basis. As such, the Clearing Agencies believe the Framework is consistent with Rule 17Ad–22(e)(7)(vii).[31]

Rule 17Ad–22(e)(7)(viii) under the Act requires that a covered clearing agency address foreseeable liquidity shortfalls that would not be covered by the covered clearing agency's liquid resources and seek to avoid unwinding, revoking, or delaying the same-day settlement of payment obligations.[32] As described above, the Framework would describe how each of the Clearing Agencies addresses a foreseeable same day liquidity shortfall through, for example, modification to its existing liquid resources. For example, DTC may address a liquidity shortfall through appropriate adjustment to the Net Debit Cap reductions, as provided under the DTC Rules.[33] Therefore, the Clearing Agencies believe the Framework is consistent with Rule 17Ad–22(e)(7)(viii) under the Act because it would describe how each of the Clearing Agencies would address foreseeable liquidity shortfalls.[34]

Rule 17Ad–22(e)(7)(ix) under the Act requires that a covered clearing agency describe the covered clearing agency's process to replenish any liquid resources that the clearing agency may employ during a stress event.[35] The Framework would describe how the Clearing Agencies' qualified liquid resources may be replenished in accordance with the respective rules of the Clearing Agencies. For example, the Framework would describe how the Clearing Agencies may use proceeds that may be available from the liquidation of a defaulting participant's portfolio (including the sale of collateral used to secure a borrowing) to repay liquidity borrowings, thus replenishing the relevant Clearing Agency's liquid resources. Therefore, the Clearing Agencies believe the Framework is consistent with Rule 17Ad–22(e)(7)(ix) under the Act because it would describe the Clearing Agencies' process for replenishing liquid resources as permitted under their respective rules.[36]

(B) *Clearing Agencies' Statements on Burden on Competition*

None of the Clearing Agencies believe that the Framework would have any impact, or impose any burden, on competition because the Proposed Rule Changes reflect the existing framework that the Clearing Agencies employ to manage liquidity risk, and would not effectuate any changes to the Clearing

[26] 17 CFR 240.17Ad–22(e)(7)(v). *Supra* note 3.

[27] 17 CFR 240.17Ad–22(e)(7)(iv) and (v). *Supra* note 3.

[28] 17 CFR 240.17Ad–22(e)(7)(vi). *Supra* note 3.

[29] *Id.*

[30] 17 CFR 240.17Ad–22(e)(7)(vii). *Supra* note 3.

[31] *Id.*

[32] 17 CFR 240.17Ad–22(e)(7)(viii). *Supra* note 3.

[33] *Supra* note 13.

[34] 17 CFR 240.17Ad–22(e)(7)(viii). *Supra* note 3.

[35] 17 CFR 240.17Ad–22(e)(7)(ix). *Supra* note 3.

[36] *Id.*

Agencies' liquidity risk management tools as they currently apply to their respective Members or Participants.

(C) Clearing Agencies' Statements on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Clearing Agencies have not solicited or received any written comments relating to this proposal. The Clearing Agencies will notify the Commission of any written comments received by the Clearing Agencies.

III. Date of Effectiveness of the Proposed Rule Changes, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the clearing agency consents, the Commission will:

(A) by order approve or disapprove such Proposed Rule Changes, or

(B) institute proceedings to determine whether the Proposed Rule Changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the Proposed Rule Changes are 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–DTC–2017–004, SR–NSCC–2017–005, or SR–FICC–2017–008 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–DTC–2017–004, SR–NSCC–2017–005, or SR–FICC–2017–008. One of these file numbers 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 Changes that are filed with the Commission, and all written communications relating to the Proposed Rule Changes 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 Clearing Agencies, 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–DTC–2017–004, SR–NSCC–2017–005, or SR–FICC–2017–008, and should be submitted on or before May 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08286 Filed 4–24–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80483; File No. SR-Phlx-2017–31]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Fees at Section VIII

April 19, 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 April 10, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees at Section VIII (NASDAQ PSX Fees) to provide an additional credit tier for displayed quotes and orders on NASDAQ PSX (''PSX'') in securities that are listed on exchanges other than The NASDAQ Stock Market LLC (''Nasdaq'') or the New York Stock Exchange LLC (''NYSE'').

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide an additional credit tier for displayed quotes and orders on PSX in securities listed on exchanges other than Nasdaq or NYSE (''Tape B securities'') that are priced at $1 and above.[3]

Currently, the Exchange provides two credits for providing liquidity through PSX. First, the Exchange provides a credit for displayed quotes and orders, with the amount of the credit determined by the member's

[37] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Tape C securities are those that are listed on the Exchange [sic], Tape A securities are those that are listed on NYSE, and Tape B securities are those that are listed on exchanges other than Nasdaq or NYSE.

The Exchange initially filed the proposed pricing changes on April 3, 2017 (SR–Phlx–2017–28). On April 10, 2017, the Exchange withdrew that filing and submitted this filing.

Consolidated Volume in that month.[4] Second, the Exchange provides a credit for certain non-displayed orders.[5]

The Exchange now proposes to provide an additional credit tier for displayed quotes and orders in Tape B securities on the Exchange. Specifically, the Exchange will provide a credit of $0.0027 per share executed for displayed Quotes/Orders entered in securities listed on exchanges other than Nasdaq or NYSE by a member organization that (1) provides a minimum of 1 million shares a day on average in securities listed on exchanges other than Nasdaq or NYSE and (2) doubles the daily average share volume provided in securities that are listed on exchanges other than Nasdaq or NYSE during the month versus the member organization's daily average share volume provided in securities that are listed on exchanges other than Nasdaq or NYSE in February 2017.[6] This credit will only apply to securities that are priced at $1 or above.

If a member had no activity in February 2017 in securities listed on exchanges other than Nasdaq or NYSE or became a member after February 2017, its February 2017 daily average share volume in securities that are listed on exchanges other than Nasdaq or NYSE would be zero for purposes of determining that member's eligibility for the credit in subsequent months.

The Exchange believes this credit tier will incentivize members to provide increased liquidity in Tape B securities on the Exchange, thereby enhancing the Exchange's market quality in Tape B securities.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[8] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [9]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [10] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[11] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [12]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [13]

The Exchange believes that the additional credit tier is reasonable because it is designed to incentivize members to provide increased liquidity in Tape B securities on the Exchange, thereby enhancing the Exchange's market quality in Tape B securities. The Exchange believes that the amount of the credit ($0.0027 per share executed) is proportionate to the requirements necessary to qualify for the credit, and will act as an incentive to add liquidity in Tape B securities. The Exchange notes that the amount of the credit is comparable to other credits offered by the Exchange for adding displayed liquidity, which range from $0.0023 to $0.0031 and impose comparable requirements.[14]

The Exchange believes it is reasonable to provide this credit tier to displayed liquidity only, since displayed liquidity plays a significant role in the price formation process, and should thus be incentivized through a credit tier such as is being proposed here. The Exchange believes that it is reasonable to provide this credit tier to Tape B securities that are priced at $1 or greater, because the Exchange desires to increase its market share in Tape B securities, and because securities priced at less than $1 are subject to a separate pricing structure.

[4] Specifically, the Exchange provides a credit of $0.0031 per share executed for Quotes/Orders entered by a member organization that provides and accesses 0.35% or more of Consolidated Volume during the month; $0.0029 per share executed for Quotes/Orders entered by a member organization that provides and accesses 0.25% or more of Consolidated Volume during the month; $0.0027 per share executed for Quotes/Orders entered by a member organization that provides and accesses 0.15% or more of Consolidated Volume during the month; $0.0025 per share executed for Quotes/Orders entered by a member organization that provides and accesses 0.05% or more of Consolidated Volume during the month; and $0.0023 per share executed for all other Quotes/Orders.

[5] Specifically, the Exchange provides a credit of $0.0023 per share executed credit for all orders with midpoint pegging that provide liquidity, and $0.0000 per share executed credit for other non-displayed orders that provide liquidity.

[6] As an example, assume that a member had a daily average share volume of 600,000 shares in Tape B securities in February 2017. If the member provided 1.2 million shares per day on average in Tape B securities in April, the member would receive the rebate for that month, since it had doubled its daily average share volume in Tape B securities in comparison to its February Tape B volume, and also exceeded the one million daily share average volume requirement in Tape B securities in the month of April.

If a member had a daily average share volume of 400,000 shares in Tape B securities in February 2017, the member would have to increase its average daily share volume by 2.5 times in order meet the requirements of the proposed rebate, since doubling its February average daily volume in Tape B securities would result in an average daily volume of 800,000 shares, which would not satisfy the requirement that the member provide a minimum of 1 million shares a day on average in securities listed on exchanges other than Nasdaq and NYSE.

A member that had a daily average share volume of 900,000 shares in Tape B securities in February 2017 would have to increase its average daily volume in Tape B securities to 1.8 million shares in order to qualify for the credit in a given month, since this would satisfy the requirement that the member double its average daily share volume in Tape B securities in the given month in comparison to its February 2017 volume, in addition to adding at least 1 million shares a day on average in Tape B securities in the month in which eligibility for the credit is being assessed.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and (5).

[9] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[10] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[11] *See NetCoalition,* at 534–535.

[12] *Id.* at 537.

[13] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[14] For example, the Exchange pays a credit of $0.0027 per share executed for displayed Quotes/Orders that are entered by a member organization that provides and accesses 0.15% or more of Consolidated Volume during the month. While that credit uses percentage of Daily Volume, rather than a daily average share volume measurement, the Exchange believes that the requirements are nonetheless comparable.

The Exchange also notes that Bats BZX Exchange, Inc. pays a credit of $0.0027 for displayed orders that add liquidity in Tape B securities where the member has an average daily added volume that equals or exceeds 0.08% of Total Consolidated Volume.

The Exchange believes that using February 2017 as the basis for determining eligibility for the credit tier is reasonable because that month represents the most recent full month of trading for which the Exchange has completed its assessment of members' activity on the Exchange for purposes of assessing charges and credits, and because the selection of a previous month as a baseline prevents members from changing their behavior prospectively to influence their baseline, and thus, their eligibility for the credit tier. The Exchange also notes that other exchanges use prior months as benchmarks for assessing transaction credits.[15]

The Exchange believes that it is reasonable to require a member to both double its daily average share volume in Tape B securities in comparison to its February 2017 volume and also provides a minimum of 1 million shares a day on average in Tape B securities for the month in which eligibility for the credit is being assessed. Requiring that a member double its daily average share volume in Tape B securities in comparison to its February 2017 volume means that the member is required to add volume in an amount which is meaningful to the member, while requiring that the member provide a daily average share volume of at least of 1 million shares a day in Tape B securities means that the member is required to add volume in an amount which is meaningful to the Exchange.

The Exchange believes that proposed credit tier is an equitable allocation and is not unfairly discriminatory because the Exchange will apply the same credit to all similarly situated members. The Exchange notes that participation on the Exchange, and eligibility for the credit tier, is voluntary, and that the proposed credit tier applies equally to all members that qualify for it, *e.g.,* the member doubles its daily average share volume in Tape B securities in comparison to its February 2017 level and provides a minimum of 1 million shares a day on average in Tape B securities for the month in which eligibility for the credit tier is being assessed. This way to receive an ongoing credit is open to any member that elects to meet the volume requirements in Tape B securities.

[15] For example, Bats BZX Exchange, Inc. pays a credit of $0.0030 per share for adding displayed orders if the member increases its share of total Consolidated Volume for adding liquidity by 0.15% or more in comparison to its volume in April 2016, and if the member has an average daily added volume as a percentage of total Consolidated Volume that equals or exceeds 0.20%.

The Exchange notes that it already offers other credits for adding displayed liquidity that do not require the member to transact in Tape B securities. In adopting this credit tier, the Exchange is providing members with another way in which they may qualify for a credit on the Exchange, while incentivizing members to add increased displayed liquidity in Tape B securities, thereby enhancing the market quality on the Exchange in those securities and benefitting all participants. The Exchange notes that, given the requirement that a member double its daily average share volume in Tape B securities in comparison to its February 2017 level and provide a minimum of 1 million shares a day on average in Tape B securities in the given month, a member may have to more than double its daily average share volume in Tape B securities in comparison to its February 2017 volume, or provide more than 1 million shares a day on average in Tape B securities in the given month, in order to be eligible for the credit tier. The Exchange believes that this is equitable and not unfairly discriminatory because the requirements to qualify for the credit tier apply to all members, and because imposing both elements requires a member to add volume in an amount which is meaningful to the member (by doubling its February 2017 average daily volume in Tape B securities) and to the Exchange (providing a daily average share volume of at least of 1 million shares a day in Tape B securities).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable.

In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee and credit changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposed credit tier does not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. The new credit tier is consistent with transaction credits currently assessed by the Exchange and by other exchanges. The new credit tier applies equally to all members that meet the volume requirements, and all similarly situated members are equally capable of qualifying for the credit if they choose to meet the volume requirements. Finally, the purpose of the credit is to incentivize members to add displayed liquidity to the Exchange in Tape B securities. The Exchange believes this will create greater liquidity in those securities on the Exchange, which will potentially attract additional participants to the Exchange and thereby promote competition.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2017–31 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2017–31. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2017–31 and should be submitted on or before May 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08281 Filed 4–24–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80491; File No. SR–DTC–2017–003, SR–NSCC–2017–004, SR–FICC–2017–007]

Self-Regulatory Organizations; The Depository Trust Company; National Securities Clearing Corporation; Fixed Income Clearing Corporation; Notice of Filings of Proposed Rule Changes, as Modified by Amendments No. 1, To Adopt the Clearing Agency Policy on Capital Requirements and the Clearing Agency Capital Replenishment Plan

April 19, 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 April 6, 2017, The Depository Trust Company (''DTC''), National Securities Clearing Corporation (''NSCC''), and Fixed Income Clearing Corporation (''FICC'', and together with DTC and NSCC, the ''Clearing Agencies''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes. On April 13, 2017, the Clearing Agencies filed Amendments No. 1 to the proposed rule changes, which made technical corrections to the page numbers and the Table of Contents in the Exhibit 5s. The proposed rule changes, as modified by Amendments No. 1 (hereinafter collectively ''Proposed Rule Changes''), are described in Items I and II below, which Items have been prepared primarily by the Clearing Agencies. The Commission is publishing this notice to solicit comments on the Proposed Rule Changes from interested persons.

I. Clearing Agencies' Statements of the Terms of Substance of the Proposed Rule Changes

The Proposed Rule Changes would adopt (1) the Clearing Agency Policy on Capital Requirements (''Capital Policy'' or ''Policy'') of the Clearing Agencies; and (2) the Clearing Agency Capital Replenishment Plan (''Capital Replenishment Plan'' or ''Plan'') of the Clearing Agencies, both described below. The Capital Policy and the Capital Replenishment Plan would be maintained by the Clearing Agencies in compliance with Rule 17Ad–22(e)(15), under the Act, as described below.[3]

Although the Clearing Agencies would consider the Capital Policy and the Capital Replenishment Plan to be rules, the Proposed Rule Changes do not require any changes to the Rules, By-laws and Organizational Certificate of DTC (''DTC Rules''), the Rulebook of the Government Securities Division of FICC (''GSD Rules''), the Clearing Rules of the Mortgage-Backed Securities Division of FICC (''MBSD Rules''), or the Rules & Procedures of NSCC (''NSCC Rules''), as the Policy and the Plan would be standalone documents.[4]

II. Clearing Agencies' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the Clearing Agencies included statements concerning the purpose of and basis for the Proposed Rule Changes and discussed any comments they received on the Proposed Rule Changes. The text of these statements may be examined at the places specified in Item IV below. The Clearing Agencies have prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agencies' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Clearing Agencies are proposing to adopt the Capital Policy, which would set forth the manner in which each Clearing Agency identifies, monitors, and manages its general business risk with respect to the requirement to hold sufficient liquid net assets (''LNA'') funded by equity to cover potential general business losses so the Clearing Agencies can continue operations and services as a going concern if such losses materialize. The amount of LNA funded by equity to be held by each of the Clearing Agencies for this purpose would be defined in the Policy as the General Business Risk

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.17Ad–22(e)(15). The Commission adopted amendments to Rule 17Ad–22, including the addition of new section 17Ad–22(e), on September 28, 2016. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14). Each of the Clearing Agencies is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5) and must comply with new section (e) of Rule 17Ad–22 by April 11, 2017.

[4] Capitalized terms not defined herein are defined in the DTC Rules, GSD Rules, MBSD Rules, or NSCC Rules, as applicable, *available at http://dtcc.com/legal/rules-and-procedures.*

Capital Requirement. The Capital Policy would also address how each Clearing Agency maintains a portion of retained earnings as LNA funded by equity as its Credit Risk Capital Requirement, in accordance with its rules and as a part of its management of credit risk.[5]

As described in greater detail below, the Capital Policy would describe how each Clearing Agency's General Business Risk Capital Requirement and Credit Risk Capital Requirement fit within the Clearing Agencies' Capital Framework. The Policy would describe how each Clearing Agency calculates the appropriate amount of LNA funded by equity to be held as its General Business Risk Capital Requirement. The Policy would also describe how each Clearing Agency maintains, monitors, and manages its total amount of LNA funded by equity. Finally, the Policy provides for a viable plan for the replenishment of capital through the Capital Replenishment Plan.

The Clearing Agencies are also proposing to adopt the Capital Replenishment Plan as a viable plan for the replenishment of capital by each Clearing Agency, should its equity fall close to or below the amount being held as its Total Capital Requirement pursuant to the Capital Policy. As described in greater detail below, the Capital Replenishment Plan would identify the circumstances that would trigger implementation of the Plan; the roles, responsibilities, and guiding principles for implementation of the Plan; and an overview and description of each of the tools that may be used to replenish capital.

Both the Capital Policy and the Capital Replenishment Plan would be owned and managed by the Treasury group (''Treasury'') of the Clearing Agencies.[6] The Boards, or such committees as may be delegated authority by the Boards from time to time pursuant to their charter, would review and approve the Capital Policy and the Capital Replenishment Plan on an annual basis.

Overview of Capital Policy

The Capital Policy would describe how the General Business Risk Capital Requirement and the Credit Risk Capital Requirement of each Clearing Agency, as both are defined in the Policy and described below, fit within the Clearing Agencies' Capital Framework. The Capital Framework would include the total amount of capital to be held by each of the Clearing Agencies in order to (1) comply with regulatory requirements for general business risk, as its General Business Risk Capital Requirement,[7] and (2) maintain a portion of retained earnings to address credit risks, as its Credit Risk Capital Requirement, consistent with its rules.[8] The Total Capital Requirement of each Clearing Agency would be calculated as the sum of its General Business Risk Capital Requirement and Credit Risk Capital Requirement.

In addition to the Total Capital Requirement, the Clearing Agencies' Capital Framework would also include an additional, discretionary amount of LNA funded by equity, referred to as a ''Buffer.'' The amount held as Buffer would be periodically reassessed by Treasury, and would generally equal approximately four to six (4–6) months of operating expenses for the respective Clearing Agency based on various factors, including historical fluctuations of LNA and estimates of potential losses from general business risk.

Next, the Policy would describe how the Clearing Agencies each maintain a Credit Risk Capital Requirement, comprised of a portion of retained earnings, in accordance with their respective rules.[9] Under the Policy, these resources would be maintained to address losses due to a participant default, and held in addition to the LNA funded by equity held by each of the Clearing Agencies as its General Business Risk Capital Requirement.

The Policy would also describe how each Clearing Agency would determine the appropriate amount of LNA funded by equity to be held as its General Business Risk Capital Requirement, which would be an amount sufficient to cover potential general business losses so that the Clearing Agency can continue operations and services as a going concern if those losses materialize.[10] Under the Policy, this amount would be calculated for each Clearing Agency as the greatest of three separate calculations—an amount based on that Clearing Agency's general business risk profile (''Risk-Based Capital Requirement''), an amount based on the time estimated to execute a recovery or orderly wind-down of the critical operations of that Clearing Agency (''Recovery/Wind-down Capital Requirement''), and an amount based on an analysis of that Clearing Agency's estimated operating expenses for a six (6) month period (''Operating Expense Capital Requirement''). On an annual basis, each of these three capital requirements would be measured, and the General Business Risk Capital Requirement for each Clearing Agency would be determined as the greatest of these calculations.

Under the Policy, the Risk-Based Capital Requirement of each Clearing Agency would be calculated by identifying the general business risk profile of that Clearing Agency through analysis of the Clearing Agency's business performance, key performance indicators, and market environment and through comparison of financial performance versus the entity's budget and forecast.[11] Treasury would then calculate the amount necessary to cover those potential general business losses so the Clearing Agency can continue operations and services if those losses materialize. The sum of these amounts would constitute that Clearing Agency's Risk-Based Capital Requirement.

The Recovery/Wind-down Capital Requirement of each Clearing Agency would be determined by that Clearing Agency's Board as the amount it deems to be sufficient to ensure a recovery or wind-down of critical operations and services of that Clearing Agency. On an annual basis, and in order to assist each Board in making its determination, Treasury would calculate the greatest of (1) the estimated amount sufficient to ensure a recovery of critical operations and services of the Clearing Agency; and (2) the estimated amount sufficient to ensure an orderly wind-down of critical operations and services of the Clearing Agency.[12]

[5] LNA funded by equity held as the Clearing Agencies' Credit Risk Capital Requirement is held in addition to resources held by the Clearing Agencies for credit risk in compliance with Rule 17Ad–22(e)(4), and in addition to resources held by the Clearing Agencies for liquidity risk in compliance with Rule 17Ad–22(e)(7). 17 CFR 240.17Ad–22(e)(4), (7). *Supra* note 3.

[6] The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared services model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a Clearing Agency. Treasury is a part of the Finance Department and is responsible for carrying out the roles and responsibilities described in the Capital Policy and Capital Replenishment Plan.

[7] 17 CFR 240.17Ad–22(e)(15). *Supra* note 3.

[8] *See* DTC Rule 4, GSD Rule 4, MBSD Rule 4, and NSCC Rule 4 and Addendum E. *Supra* note 4.

[9] *Id.*

[10] 17 CFR 240.17Ad–22(e)(15). *Supra* note 3.

[11] Under the Policy, business risks that make up a Clearing Agency's general business risk profile would include, for example, the risk that revenues decline or expenses grow, the operational risks of deficiencies in its systems or disruptions to processing from internal or external events, or investment risk of loss of financial resources.

[12] Under the Policy, Treasury would make these calculations in consultation with and reference to the plans maintained by the Clearing Agencies that are developed by the Clearing Agencies in compliance with Rule 17Ad–22(e)(3)(ii). 17 CFR 240.17Ad–22(e)(3). *Supra* note 3. The Commission granted the Clearing Agencies a temporary

Finally, the Operational Expense Capital Requirement of each Clearing Agency would be determined as the greatest of (i) six (6) times the average monthly operating expense for that Clearing Agency over the prior twelve (12) month period, and (ii) a prospective operating expense estimate based on forecasted expense data.

As stated above, each of these capital requirements would be determined on at least an annual basis, and the General Business Risk Capital Requirement of each Clearing Agency would be the greatest of the three calculations.

Finally, the Policy would describe how each Clearing Agency maintains, monitors and manages its LNA funded by equity held as its Total Capital Requirement. The Policy would provide that each Clearing Agency hold LNA funded by equity in an amount to meet its calculated General Business Risk Capital Requirement in cash and cash equivalents, which are highly liquid securities or bank deposits. The Policy would also make clear that LNA funded by equity held to meet each Clearing Agency's General Business Risk Capital Requirement would be held in addition to LNA funded by equity as its Credit Risk Capital Requirement, and also in addition to resources held by that Clearing Agency in compliance with its regulatory requirements with respect to credit risk and liquidity risk, as described above.

The Policy would describe how Treasury would monitor and manage the LNA funded by equity held by each Clearing Agency so it continues to hold an amount equal to its Total Capital Requirement. Each Clearing Agency would manage its general business risks in order to maintain adequate LNA funded by equity in a number of ways, including (1) taking steps to maintain an appropriate and sustainable level of profitability; (2) maintaining the Buffer amount of LNA funded by equity in addition to its Total Capital Requirement; (3) taking steps to increase the amount of LNA funded by equity when necessary; and (4) maintaining a viable plan for the replenishment of equity through the Capital Replenishment Plan, described below. DTCC also maintains insurance policies that cover certain potential losses, which are another tool available to manage the general business risks of the Clearing Agencies, as described in the Policy.

Overview of Capital Replenishment Plan

The Capital Replenishment Plan would describe the framework for each Clearing Agency to replenish LNA funded by equity through the utilization of one or more ''replenishment tools,'' as described further below. The circumstances that trigger the Plan would include (i) when equity being held by a Clearing Agency is at or below an amount equal to that Clearing Agency's Total Capital Requirement, plus the equivalent of one (1) month of operating expenses of that Clearing Agency, as also determined pursuant to the Policy; and (ii) the Board of a Clearing Agency determines that the Plan should be implemented. The Plan would identify certain risks that, if realized, may cause these triggers to occur, including, for example, unexpected declines in revenue, disruptions to systems or processes that lead to large losses, or investment risks.

Treasury would be responsible for implementation of the Plan, in collaboration with other business areas, as necessary based on the replenishment tools that are chosen when the Plan is triggered. The Plan would outline the steps to be taken by Treasury once the Plan is triggered, which include identifying the total amount of equity that would be needed for the affected Clearing Agency to meet its Total Capital Requirement, analyzing that Clearing Agency's financial outlook, and selecting the appropriate replenishment tools to be utilized. The Board of the affected Clearing Agency, or such committee as may be delegated authority by that Board from time to time, would approve the proposal for implementation of the Plan once it is triggered, and review a report of each implementation of the Plan when it is complete. The Plan would also make clear that utilization of each replenishment tool would require involvement and coordination with other corporate functions and other policies and procedures, and must follow the process outlined in the operative documents related to each tool, as identified in the Plan.

The Plan would provide Treasury with the necessary flexibility and discretion, as appropriate, in implementation of the Plan, including the ability to determine, based on appropriate analysis, the sequence and combination of replenishment tools to be used in the event the Plan is triggered. The Plan would also set forth certain guiding principles, including prioritization of replenishment tools that have sufficient capacity at the time the Plan is implemented and are able to restore the affected Clearing Agency's LNA funded by equity to an appropriate level above its Total Capital Requirement in the shortest possible timeframe.

Finally, the Plan would identify the replenishment tools that may be utilized when the Plan is implemented and the estimated timeframe for executing each tool. These tools would serve as either (1) bridge financing, which would provide immediate financing, but should be considered only an initial step in implementation of the Plan; or (2) capital replenishment, which would provide the affected Clearing Agency with the required additional equity on a longer term basis. The replenishment tools would include either actions taken by DTCC to raise capital, which would then be contributed to the affected Clearing Agency, subject to the guiding principles, or actions taken by the Clearing Agencies to raise capital.

With respect to those tools that involve actions taken by DTCC, the Plan would also set forth the conditions under which the Clearing Agencies would obtain capital through either a contribution or an intercompany loan. For example, intercompany loans would only be permitted from DTCC to an affected Clearing Agency if the Clearing Agency's equity exceeds its amount of LNA. Additionally, while some of the replenishment tools would involve the incurrence of debt by DTCC, such funds would be contributed to the affected Clearing Agency as either equity (as a capital contribution) or as LNA (as an intercompany loan).

Actions that may be taken by DTCC would include, for example, (1) contributing existing prefunded resources to the affected Clearing Agency; (2) borrowing under an existing line of credit to which DTCC is a party; (3) making a claim for insurance proceeds, when applicable; (4) authorizing, issuing and selling shares of common stock of DTCC to certain DTCC shareholders pursuant to the terms and restrictions set forth in the DTCC Certificate of Incorporation and the DTCC Fourth Amended and Restated Shareholders Agreement; [13] (5)

exemption from compliance with the Recovery and Wind-down plan requirements of the Standards until December 31, 2017. *See* Securities Exchange Act Release No. 80378 (April 5, 2017) (File No. S7–03–14). Until such time as the Clearing Agencies have Recovery and Wind-down plans that are approved by their Boards in anticipation of compliance with Rule 17Ad–22(e)(3)(ii), the Recovery/Wind-down Capital Requirement of each Clearing Agency would be assumed to be zero. The General Business Risk Capital Requirement would therefore be the greater of the Risk-Based Capital Requirement and the Operating Expense Capital Requirement.

[13] *See* Securities Exchange Act Release No. 74142 (January 27, 2015), 80 FR 5188 (January 30, 2015); (File Nos. SR–FICC–2014–810; SR–NSCC–2014–811; SR–DTC–2014–812).

the issuance or sale of preferred stock by DTCC; or (6) the sale or divesture of assets or businesses. Actions each Clearing Agency can take to increase capital would include increasing fees for services, when appropriate, or decreasing expenses.

2. Statutory Basis

The Clearing Agencies believe that the Proposed Rule Changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, the Clearing Agencies believe that the Capital Policy and the Capital Replenishment Plan are both consistent with Section 17A(b)(3)(F) of the Act [14] and Rule 17Ad–22(e)(15), under the Act,[15] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of the Clearing Agencies be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the Clearing Agencies or for which they are responsible.[16] Together, the Capital Policy and the Capital Replenishment Plan would be designed to ensure that each of the Clearing Agencies hold sufficient LNA funded by equity to cover potential general business losses so that the Clearing Agencies can continue the prompt and accurate clearance and settlement of securities transactions and can continue to assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible if those losses materialize. Therefore, the Clearing Agencies believe the Capital Policy and the Capital Replenishment Plan are consistent with the requirements of Section 17A(b)(3)(F) of the Act.[17]

Rule 17Ad–22(e)(15), under the Act, requires the Clearing Agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to identify, monitor, and manage their respective general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses so that the Clearing Agencies can continue operations and services as a going concern if those losses materialize.[18] The Clearing Agencies believe that the Capital Policy and the Capital Replenishment Plan are designed to meet requirements of Rule 17Ad–22(e)(15) for the reasons described below.

Rule 17Ad–22(e)(15)(i), under the Act, requires the Clearing Agencies to determine the amount of LNA funded by equity based upon its general business risk profile and the length of time required to achieve a recovery or orderly wind-down, as appropriate, of its critical operations and services if such action is taken.[19] Pursuant to the Policy, each Clearing Agency's General Business Risk Capital Requirement, or the amount of LNA funded by equity determined by the Clearing Agency to be sufficient to cover potential general business losses, would be calculated as the greatest of (1) an amount calculated based on the Clearing Agency's general business risk profile, defined as its Risk-Based Capital Requirement, (2) an amount based on the time estimated to execute a recovery or orderly wind-down of the critical operations of the Clearing Agency, defined as its Recovery/Wind-down Capital Requirement, and (3) an amount based on an analysis of the Clearing Agency's estimated operating expenses for a six (6) month period, defined as its Operating Expense Capital Requirement. By providing that each Clearing Agency calculate its General Business Risk Capital Requirement as the greatest of these three calculated amounts, the Clearing Agencies believe the Capital Policy is consistent with Rule 17Ad–22(e)(15)(i).[20]

Rule 17Ad–22(e)(15)(ii), under the Act, requires, in part, that the Clearing Agencies hold LNA funded by equity equal to the greater of either (x) six months of the covered clearing agency's current operating expenses, or (y) the amount determined by the board of directors to be sufficient to ensure a recovery or orderly wind-down of critical operations and services of the covered clearing agency.[21] As described above, the Policy would provide that each Clearing Agency hold LNA funded by equity in an amount that is the greatest of its Risk-Based Capital Requirement, its Recovery/Wind-down Capital Requirement, or its Operating Expense Capital Requirement. The Recovery/Wind-down Capital Requirement of each Clearing Agency would be defined in the Policy as an amount determined by that Clearing Agency's Board to be sufficient to ensure a recovery or orderly wind-down of critical operations and services of that Clearing Agency. Therefore, the Clearing Agencies believe the Capital Policy is consistent with Rule 17Ad–22(e)(15)(ii).[22]

Rule 17Ad–22(e)(15)(ii) further requires, in part, that the LNA funded by equity held by the Clearing Agencies pursuant to Rule 17Ad–22(e)(15)(ii) shall be (A) in addition to resources held to cover participant defaults or other credits and liquidity risks; and (B) of high quality and sufficiently liquid to allow the covered clearing agency to meet its current and projected operating expenses under a range of scenarios, including in adverse market conditions.[23] The Capital Policy would identify the General Business Risk Capital Requirement of each Clearing Agency as a separate component of that Clearing Agency's Capital Framework, and would provide that LNA funded by equity held by each Clearing Agency as its General Business Risk Capital Requirement be held in addition to (1) LNA funded by equity held as that Clearing Agency's Credit Risk Capital Requirement; (2) resources held by that Clearing Agency in compliance with Rule 17Ad–22(e)(4) for credit risk (which resources are also held in addition to that Clearing Agency's Credit Risk Capital Requirement); [24] and (3) resources held by that Clearing Agency in compliance with Rule 17Ad–22(e)(7) for liquidity risk.[25] Additionally, the Capital Policy would provide that the LNA funded by equity being held by each Clearing Agency to meet its Total Capital Requirement be held in cash and cash equivalents, which are highly liquid securities or bank deposits. Therefore, the Clearing Agencies believe the Capital Policy is consistent with Rule 17Ad–22(e)(15)(ii)(A) and (B).[26]

Rule 17Ad–22(e)(15)(iii), under the Act, requires the Clearing Agencies to maintain a viable plan, approved by the Boards and updated at least annually, for raising additional equity should its equity fall close to or below the amount required under Rule 17Ad–22(e)(15)(ii).[27] As described above, the Capital Replenishment Plan would be a viable plan describing the procedures by which each of the Clearing Agencies would replenish capital, should its capital fall close to or below its Total Capital Requirement. Therefore, the Clearing Agencies believe the Capital

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 17 CFR 240.17Ad–22(e)(15). *Supra* note 3.

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] *Id.*

[18] 17 CFR 240.17Ad–22(e)(15). *Supra* note 3.

[19] 17 CFR 240.17Ad–22(e)(15)(i). *Supra* note 3.

[20] *Id.*

[21] 17 CFR 240.17Ad–22(e)(15)(ii). *Supra* note 3.

[22] *Id.*

[23] 17 CFR 240.17Ad–22(e)(15)(ii)(A), (B). *Supra* note 3.

[24] 17 CFR 240.17Ad–22(e)(4). *Supra* note 3.

[25] 17 CFR 240.17Ad–22(e)(7). *Supra* note 3.

[26] 17 CFR 240.17Ad–22(e)(15)(ii)(A), (B). *Supra* note 3.

[27] 17 CFR 240.17Ad–22(e)(15)(iii). *Supra* note 3.

Replenishment Plan is consistent with Rule 17Ad–22(e)(15)(iii).[28]

(B) Clearing Agencies' Statements on Burden on Competition

Each of the Clearing Agencies believes that neither the Capital Policy nor the Capital Replenishment Plan would have any impact, or impose any burden, on competition because the Proposed Rule Changes would implement the Policy and the Plan as rules within the meaning of Rule 19b–4 under the Act.[29] The Policy and the Plan have been developed and documented in order to satisfy the regulatory requirements set forth above, and they generally reflect existing tools and existing internal procedures. Existing tools that would have a direct impact on the rights, responsibilities or obligations of members or participants of the Clearing Agencies are reflected in the Clearing Agencies' existing rules.[30] Accordingly, the Policy and the Plan themselves are documents intended to enhance the Clearing Agencies' internal management and regulatory compliance and therefore do not have any impact, or impose any burden, on competition.

(C) Clearing Agencies' Statements on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Clearing Agencies have not solicited or received any written comments relating to this proposal. The Clearing Agencies will notify the Commission of any written comments received by the Clearing Agencies.

III. Date of Effectiveness of the Proposed Rule Changes, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the clearing agency consents, the Commission will:

(A) by order approve or disapprove such Proposed Rule Changes, or

(B) institute proceedings to determine whether the Proposed Rule Changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the Proposed Rule Changes are 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–DTC–2017–003, SR–NSCC–2017–004 or SR–FICC–2017–007 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–DTC–2017–003, SR–NSCC–2017–004 or SR–FICC–2017–007. One of these file numbers 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 Changes that are filed with the Commission, and all written communications relating to the Proposed Rule Changes 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 Clearing Agencies, 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–DTC–2017–003, SR–NSCC–2017–004 or SR–FICC–2017–007, and should be submitted on or before May 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08287 Filed 4–24–17; 8:45 am]

BILLING CODE 8011–01–P

[28] *Id.*

[29] 17 CFR 240.19b–4.

[30] *Supra* note 4.

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80485; File Nos. SR–DTC–2017–005; SR–FICC–2017–009; SR–NSCC–2017–006]

Self-Regulatory Organizations; The Depository Trust Company; Fixed Income Clearing Corporation; National Securities Clearing Corporation; Notice of Filings of Proposed Rule Changes To Adopt the Clearing Agency Stress Testing Framework (Market Risk)

April 19, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, as amended (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 7, 2017, The Depository Trust Company (''DTC''), Fixed Income Clearing Corporation (''FICC''), and National Securities Clearing Corporation (''NSCC,'' and together with DTC and FICC, the ''Clearing Agencies'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes as described in Items I and II below, which Items have been prepared primarily by the Clearing Agencies. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Clearing Agencies' Statements of the Terms of Substance of the Proposed Rule Changes

The proposed rule changes would adopt the Clearing Agency Stress Testing Framework (Market Risk) (''Framework'') of the Clearing Agencies, described below. The Framework would apply to both of FICC's divisions, the Government Securities Division (''GSD'') and the Mortgage-Backed Securities Division (''MBSD''). The Framework would be maintained by the Clearing Agencies in compliance with Rule 17Ad–22(e)(4)(i), (iii) through (vii), under the Act, as described below.[3]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.17Ad–22(e)(4)(i), and (iii) through (vii). The Commission adopted amendments to Rule 17Ad–22, including the addition of new section

Continued

Although the Clearing Agencies would consider the Framework to be a rule, the proposed rule changes do not require any changes to the Rules, By-Laws and Organizational Certificate of DTC (''DTC Rules''), the Rulebook of GSD (''GSD Rules''), the Clearing Rules of MBSD (''MBSD Rules''), or the Rules & Procedures of NSCC (''NSCC Rules''), as the Framework would be a standalone document.[4]

II. Clearing Agencies' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the Clearing Agencies included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments they received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The Clearing Agencies have prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agencies' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Clearing Agencies are proposing to adopt the Framework, which would set forth the manner in which each Clearing Agency effectively identifies, measures, monitors and manages its credit exposures to Members [5] and those arising from its payment, clearing, and settling processes, as applicable. In general, the Framework would describe the stress testing practices adopted by the Clearing Agencies that are designed to ensure the sufficiency of each Clearing Agency's total prefunded financial resources, as described in greater detail below. The Framework would describe (i) the sources of each Clearing Agency's total prefunded financial resources; (ii) the Clearing Agencies' stress testing methodologies; (iii) the Clearing Agencies' stress testing governance and execution processes; and (iv) the Clearing Agencies' model validation practices. The Framework would address stress testing of each Clearing Agency's total prefunded financial resources, and would not address assessments for additional contributions or other resources that are not prefunded and may be available to the Clearing Agencies. The Framework would be owned and managed by the Data and Portfolio Analytics group within the Quantitative Risk Management department.[6]

The Framework would first outline the regulatory requirements that apply to each Clearing Agency with respect to credit risk management, and then would describe how the Clearing Agencies address those requirements. The Framework would describe the credit risk management strategy of each of the Clearing Agencies,[7] which is to maintain sufficient prefunded financial resources to cover fully its credit exposures to each Member with a high degree of confidence, and further, to maintain additional prefunded financial resources at a minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the affiliated family (''Affiliated Family'') of Members that would potentially cause the largest aggregate credit exposure to the Clearing Agency in extreme but plausible market conditions (''Cover One Requirement'').[8] Because the credit risks and prefunded financial resources of the Clearing Agencies are different in certain respects, the Framework would describe the prefunded financial resources and related stress testing methodologies of the Clearing Agencies separately, where applicable.

The Framework would describe the sources of prefunded financial resources of the Clearing Agencies for purposes of compliance with Rule 17Ad–22(e)(4).[9] With respect to FICC and NSCC, the Framework would describe that such prefunded financial resources are their respective clearing funds, which contain deposits from their Members pursuant to their respective rules consisting of both cash and eligible securities, with any eligible securities being subject to a haircut, as provided for under those rules.[10] The Framework would describe that such deposits are calculated for each individual Member pursuant to the GSD Rules, MBSD Rules, or NSCC Rules, as applicable, and each Member's deposits would be referred to in the Framework as its ''Required Deposit.'' [11] With respect to DTC, the Framework would describe that its prefunded financial resources are cash deposits to its Participants Fund, made by its Members pursuant to the DTC Rules.[12] The Framework would also describe that DTC may use its risk management control, the ''Collateral Monitor,'' to monitor and assure that the settlement obligations of each Member are fully collateralized.[13]

The Framework would describe the stress testing methodologies that are used by the Clearing Agencies to test the sufficiency of their total prefunded financial resources, described above, against potential losses, assuming the default of a Member with the largest credit exposure to a Clearing Agency and that Member's Affiliated Family under extreme but plausible market conditions. The Framework would state that the stress testing would be designed to identify potential weaknesses in the methodologies used to calculate Members' Required Deposits and to determine collateral haircuts.

The Framework would describe in detail the three key components of the development of stress testing methodologies, which include the following:

Risk Identification. The Clearing Agencies identify the principal credit risk drivers that are representative and specific to each Clearing Agency's clearing and/or collateral portfolio to determine risk exposures by analyzing the securities and risk exposures in their Members' clearing and/or collateral portfolios to identify representative principal market risk drivers and to capture the risk sensitivity of the clearing and/or collateral portfolios under stressed market conditions.

Scenario Development. The Clearing Agencies construct comprehensive and relevant sets of extreme but plausible historical and hypothetical stress scenarios for the identified risk drivers. The Framework would describe how the Clearing Agencies develop and select both historical and hypothetical scenarios that reflect

17Ad–22(e), on September 28, 2016. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14). Each of the Clearing Agencies is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5), and must comply with new section (e) of Rule 17Ad–22 by April 11, 2017.

[4] Capitalized terms not defined herein are defined in the DTC Rules, GSD Rules, MBSD Rules, or NSCC Rules, as applicable, *available at http://dtcc.com/legal/rules-and-procedures.*

[5] FICC and NSCC refer to their participants as ''Members,'' while DTC refers to its participants as ''Participants.'' These terms are defined in the rules of each of the Clearing Agencies. *Supra* note 4. In this filing ''Members'' refers to both the Members of FICC and NSCC and the Participants of DTC.

[6] The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared services model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a Clearing Agency.

[7] Rule 17Ad–22(e)(4) under the Act refers to these risks as ''credit risks.'' 17 CFR 240.17Ad–22(e)(4), *supra* note 3. Because the Clearing Agencies refers to these risks as ''market risks,'' the Framework would use these terms interchangeably.

[8] *See* 17 CFR 240.17Ad–22(e)(4)(iii). *Supra* note 3.

[9] 17 CFR 240.17Ad–22(e)(4). *Supra* note 3.

[10] FICC/GSD Rule 4 (Clearing Fund and Loss Allocation), FICC/MBSD Rule 4 (Clearing Fund and Loss Allocation), and NSCC Rule 4 (Clearing Fund). *Supra* note 4.

[11] *Id.*

[12] DTC Rule 4 (Participants Fund and Participants Investment). *Supra* note 4.

[13] ''Collateral Monitor'' is defined in DTC Rule 1, Section 1 (Definitions), and its calculation is further provided for in the DTC Settlement Service Guide of the DTC Rules. *Supra* note 4.

stressed market conditions. Historical scenarios are based on stressed market conditions that occurred on specific dates in the past. Hypothetical stress scenarios are theoretical market conditions that could conceivably occur.

Risk Measurement and Aggregation. The Clearing Agencies calculate the risk metrics of each Clearing Agency's actual portfolio to estimate the profits and losses (''P&L'') of close out over a suitable stressed period of risk, deficiencies, and coverage ratios. The Framework would describe how the Clearing Agencies develop P&L estimation methodologies, and how they calculate risk metrics that are applicable to such methodologies under the chosen stress testing scenarios. Risk metrics may include, without limitation, deficiency and coverage ratios. The Clearing Agencies may use a number of P&L methodologies for stress testing purposes, including risk sensitivity, index mapping, and actual or approximate historical shock approaches.

The Framework would define ''Member stress deficiency'' for each scenario as, with respect to FICC and NSCC, the stress loss exceeding the applicable Member's Required Deposits, and for DTC, the shortfall of a Member's Collateral Monitor. The Framework would also define ''Affiliated Family deficiency'' as the aggregate of all Member stress deficiencies within the applicable Affiliated Family. Finally, the Framework would define ''Cover One Ratio'' as the ratio of Affiliated Family deficiency over the total value of the relevant Clearing Agency's clearing fund (or, for DTC, the Participants Fund), excluding the value of the applicable Affiliated Family's Required Deposits. The Framework would state that the Clearing Agencies calculate Member stress deficiencies, Affiliated Family deficiencies, and Cover One Ratios daily.

The Framework would state that FICC and NSCC consider other coverage ratios as well, such as comparing Member stress deficiencies against such Member's known financial resources (*e.g.,* equity capital base), to keep abreast of potential financial vulnerabilities facing such Member. Additionally, the Framework would state that DTC also tests the adequacy of its collateral haircuts by measuring ''Haircut Deficiency'' as the amount of stress losses exceeding the haircut applied to collateral securities.

The Framework would state that the Clearing Agencies also apply wrong-way risk scenarios to measure both specific and generic wrong-way risk for each Clearing Agency's Members and Affiliated Families. Such scenarios reflect the default of a Member's Affiliated Family, and the potential impacts of that default to all securities in the Affiliated Family's clearing or collateral portfolios, as well as the potential general market impacts of that default to other securities. The Framework would describe the reverse stress testing analyses that are performed by FICC and NSCC on at least a semi-annual basis. These analyses provide FICC and NSCC, as central counterparties, another means for testing the sufficiency of the Clearing Agencies' respective prefunded financial resources. In conducting reverse stress testing, FICC and NSCC utilize scenarios of multiple defaults, extreme market shocks or shocks for other risk factors, which would cause those Clearing Agencies, as applicable, to exhaust all of their respective prefunded financial resources.

The Framework would describe the Clearing Agencies' stress testing governance and execution processes. Stress testing is conducted daily for each of the Clearing Agencies, and stress testing risk metrics are also generated each day. Stress testing results of Cover One Ratios and Member stress deficiencies of certain Members are monitored against pre-established thresholds.[14] Breaches of these pre-established thresholds are initially subject to more detailed studies to identify any potential impact to the applicable Clearing Agencies' Cover One Requirement. The Framework would describe that, to the extent such studies indicate a potential impact to a Clearing Agency's Cover One Requirement, the threshold breach would be escalated internally and analyzed to determine if either there is a need to adjust the stress testing methodology, or if the threshold breach indicates an issue with a particular Member. Based on these analyses, the Clearing Agencies determine the appropriate course of action, which could include options available under their respective rules.

The Framework would describe that the Clearing Agencies conduct comprehensive analyses of daily stress testing results, the existing scenario sets (including any changes to such scenarios for the period since the last review), and the performance of the methodologies along with key underlying parameters and assumptions. These analyses are performed at least monthly and are conducted to assess whether each Clearing Agency's stress testing components are appropriate for determining the sufficiency of its prefunded financial resources in light of current and evolving market conditions. The Framework would state that such analyses may occur more frequently than monthly if, for example, the products cleared or markets served by a Clearing Agency display high volatility or become less liquid, or when the size or concentration of positions held by the applicable Clearing Agency's Members increases significantly.

The Framework would state that the results of these analyses are reviewed monthly by the DTCC Enterprise Stress Testing Council. The Framework would also state that daily stress testing results are summarized and reported monthly to the DTCC Risk Management Committee. Finally, the Framework would state that stress testing methodologies and related models are subject to independent model validation on at least an annual basis.

2. Statutory Basis

The Clearing Agencies believe that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, the Clearing Agencies believe that the Framework is consistent with Section 17A(b)(3)(F) of the Act,[15] as well as Rule 17Ad–22(b)(3),[16] and the subsections cited below of Rule 17Ad–22(e)(4),[17] each promulgated under the Act, for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[18] As described in greater detail above, the Framework would describe how the Clearing Agencies have developed and carry out a credit risk management strategy to maintain sufficient prefunded financial resources to cover fully its credit exposures to each Member with a high degree of confidence, and further, to maintain additional prefunded financial resources at a minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to the Cover One Requirement. As such, the credit risk management strategy of the Clearing Agencies addresses their credit exposures and

[14] Risk threshold levels are chosen to assist each Clearing Agency in achieving a high degree of confidence that its Cover One Requirement is met daily.

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 17 CFR 240.17Ad–22(b)(3).

[17] 17 CFR 240.17Ad–22(e)(4). *Supra* note 3.

[18] 15 U.S.C. 78q–1(b)(3)(F).

allows them to continue the prompt and accurate clearance and settlement of securities and can continue to assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible notwithstanding those risks. Therefore, the Clearing Agencies believe the Framework, which describes how the Clearing Agencies carry out this strategy, is consistent with the requirements of Section 17A(b)(3)(F) of the Act.[19]

Rule 17Ad–22(b)(3) under the Act requires, in part, that a registered clearing agency that performs central counterparty services establish, implement, maintain and enforce written policies and procedures reasonably designed to, among other things, maintain sufficient financial resources to withstand, at a minimum, a default by the participant family to which it has the largest exposure in extreme but plausible market conditions.[20] As described above, the Framework would describe how both FICC and NSCC have developed and carry out a credit risk management strategy to maintain sufficient prefunded financial resources to cover fully its credit exposures to each Member with a high degree of confidence, and further, to maintain additional prefunded financial resources at a minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to the Cover One Requirement. By carrying out their credit risk management strategy and conducting this daily stress testing to test the sufficiency of their prefunded financial resources, FICC and NSCC believe the Framework is consistent with Rule 17Ad–22(b)(3).[21]

The proposed rule changes are also designed to be consistent with Rule 17Ad–22(e)(4) under the Act, which requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes.[22] The Clearing Agencies believe the Framework is designed to meet the requirements of the following subsections of Rule 17Ad–22(e)(4),[23] cited below, for the reasons described below.

Rule 17Ad–22(e)(4)(i) under the Act requires that a covered clearing agency maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[24] Rule 17Ad–22(e)(4)(iii) under the Act requires that, to the extent not already maintained pursuant to Rule 17Ad–22(e)(4)(i) under the Act, for a covered clearing agency not subject to Rule 17Ad–22(e)(4)(ii) under the Act, a covered clearing agency maintain additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the participant family that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions.[25] The Framework would describe how the Clearing Agencies have developed and carry out a credit risk management strategy to maintain sufficient prefunded financial resources to cover fully its credit exposures to each Member with a high degree of confidence, and further, to maintain additional prefunded financial resources at a minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to the Cover One Requirement. The Framework would also describe how each Clearing Agency tests the sufficiency of its prefunded resources daily to support compliance with this requirement. As such, the Clearing Agencies believe the Framework is designed to meet the requirements of Rule 17Ad–22(e)(4)(i) and (iii) under the Act.[26]

Rule 17Ad–22(e)(4)(iv) under the Act requires that a covered clearing agency include prefunded financial resources, exclusive of assessments for additional guaranty fund contributions or other resources that are not prefunded, when calculating financial resources available to meet the standards under Rule 17Ad–22(e)(4)(i) through (iii) under the Act, as applicable.[27] The Framework would identify the sources of prefunded resources of each Clearing Agency for purposes of meeting its requirements under Rule 17Ad-22(e)(4)(iii), and further would state that the stress testing used to test the sufficiency of those resources do not test other resources that are not prefunded. Therefore, the Clearing Agencies believe the Framework is consistent with Rule 17Ad–22(e)(4)(iv) under the Act.[28]

Rule 17Ad–22(e)(4)(v) under the Act requires that a covered clearing agency maintain the financial resources under Rule 17Ad–22(e)(4)(ii) and (iii) under the Act, in combined or separately maintained clearing or guaranty funds.[29] The Framework would identify the sources of prefunded resources of each Clearing Agency for purposes of meeting its requirements under Rule 17Ad–22(e)(4)(iii) as their Members' deposits to, with respect to NSCC and FICC, their respective clearing funds, and, with respect to DTC, deposits to its Participants Fund. Therefore, the Clearing Agencies believe the Framework is consistent with Rule 17Ad–22(e)(v) under the Act.[30]

Rule 17Ad–22(e)(4)(vi)(A) under the Act requires that a covered clearing agency conduct stress testing of its total financial resources once each day using standard predetermined parameters and assumptions.[31] The Framework would describe how the Clearing Agencies conduct stress tests on a daily basis, and would describe how the Clearing Agencies develop the stress testing methodologies for these tests. Specifically, the Framework would describe how the stress testing methodologies are developed through risk identification, scenario development, and risk measurement and aggregation. The Framework would also state that the stress testing methodologies are reviewed and analyzed monthly to determine if the components continue to be appropriate for determining sufficiency of the Clearing Agencies' prefunded financial resources. Therefore, the Clearing Agencies believe the Framework is consistent with Rule 17Ad–22(e)(4)(vi)(A) under the Act.[32]

Rule 17Ad–22(e)(4)(vi)(B) under the Act requires that a covered clearing agency conduct a comprehensive analysis on at least a monthly basis of the existing stress testing scenarios, models, and underlying parameters and assumptions, and consider modifications to ensure they are appropriate for determining the covered clearing agency's required level of default protection in light of current and evolving market conditions.[33] Rule 17Ad–22(e)(4)(vi)(C) under the Act requires that a covered clearing agency

[19] *Id.*

[20] 17 CFR 240.17Ad–22(b)(3).

[21] *Id.*

[22] 17 CFR 240.17Ad–22(e)(4)(i), and (iii) through (vii). *Supra* note 3.

[23] 17 CFR 240.17Ad–22(e)(4). *Supra* note 3.

[24] 17 CFR 240.17Ad–22(e)(4)(i). *Supra* note 3.

[25] 17 CFR 240.17Ad–22(e)(4)(iii). *Supra* note 3.

[26] 17 CFR 240.17Ad–22(e)(4)(i) and (iii). *Supra* note 3.

[27] 17 CFR 240.17Ad–22(e)(4)(iv). *Supra* note 3.

[28] *Id.*

[29] 17 CFR 240.17Ad–22(e)(4)(v). *Supra* note 3.

[30] *Id.*

[31] 17 CFR 240.17Ad–22(e)(4)(vi)(A). *Supra* note 3.

[32] *Id.*

[33] 17 CFR 240.17Ad–22(e)(4)(vi)(B). *Supra* note 3.

conduct a comprehensive analysis of stress testing scenarios, models, and underlying parameters and assumptions more frequently than monthly when the products cleared or markets served display high volatility or become less liquid, or when the size or concentration of positions held by the covered clearing agency's participants increases significantly.[34] The Framework would describe that the Clearing Agencies conduct comprehensive analyses of daily stress testing results, the existing scenario sets, and the performance of the methodology along with key underlying parameters and assumptions. The Framework would also state that these analyses are performed at least monthly, and may occur more frequently than monthly if, for example, the products cleared or markets served by a Clearing Agency display high volatility or become less liquid, or when the size or concentration of positions held by the applicable Clearing Agency's Members increases significantly. The Framework would state that these analyses are designed to assess whether each Clearing Agency's stress testing components are appropriate for determining the sufficiency of its prefunded financial resources in light of current and evolving market conditions. As such, the Clearing Agencies believe the Framework is consistent with Rule 17Ad–22(e)(4)(vi)(B) and (C) under the Act.[35]

Rule 17Ad–22(e)(4)(vi)(D) under the Act requires that a covered clearing agency report the results of its analyses under Rule 17Ad–22(e)(4)(vi)(B) and (C) to appropriate decision makers at the covered clearing agency, including but not limited to, its risk management committee or board of directors, and use these results to evaluate the adequacy of and adjust its margin methodology, model parameters, models used to generate clearing or guaranty fund requirements, and any other relevant aspects of its credit risk management framework, in supporting compliance with the minimum financial resources requirements set forth in Rule 17Ad–22(e)(4)(i) through (iii) under the Act.[36] The Framework would provide that the results of the analyses described above are reviewed monthly by the DTCC Enterprise Stress Testing Council. The Framework would also state that this group would consider these results to evaluate the adequacy of the stress testing methodologies and would determine if adjustments to the stress testing methodologies are appropriate to support the Clearing Agencies' compliance with the minimum financial resources requirements set forth in Rule 17Ad–22(e)(4)(i) through (iii) under the Act. Additionally, the Framework would state that daily stress testing results are summarized and reported monthly to the DTCC Risk Management Committee. Based on their review of the information provided, this committee may determine to inform or further escalate any concerns to the Risk Committees of the Boards, as they deem necessary. Therefore, the Clearing Agencies believe that the Framework is consistent with Rule 17Ad–22(e)(vi)(D) under the Act.[37]

Rule 17Ad–22(e)(4)(vii) under the Act requires a covered clearing agency to perform a model validation for its credit risk models not less than annually or more frequently as may be contemplated by the covered clearing agency's risk management framework established pursuant to Rule 17Ad–22(e)(3) under the Act.[38] The Framework would provide that the Clearing Agencies' stress testing methodologies and models are subject to independent model validation on at least an annual basis thereafter. Therefore, the Clearing Agencies believe that the Framework supports compliance with Rule 17Ad–22(e)(4)(vii) under the Act.[39]

(B) Clearing Agencies' Statements on Burden on Competition

None of the Clearing Agencies believes that the Framework would have any impact, or impose any burden, on competition because the proposed rule changes reflect the existing framework that each of the Clearing Agencies employ to manage its market risk, and would not effectuate changes to the Clearing Agencies' stress testing methodologies, or to the remedial action the Clearing Agencies may take in response to the results thereof, as they currently apply to Members.

(C) Clearing Agencies' Statements on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Clearing Agencies have not solicited or received any written comments relating to this proposal. The Clearing Agencies will notify the Commission of any written comments received by the Clearing Agencies.

[34] 17 CFR 240.17Ad–22(e)(4)(vi)(C). *Supra* note 3.

[35] 17 CFR 240.17Ad–22(e)(4)(vi)(B) and (C). *Supra* note 3.

[36] 17 CFR 240.17Ad–22(e)(4)(vi)(D). *Supra* note 3.

[37] *Id.*

[38] 17 CFR 240.17Ad–22(e)(4)(vii). *Supra* note 3.

[39] *Id.*

III. Date of Effectiveness of the Proposed Rule Changes, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the clearing agency consents, the Commission will:

(A) by order approve or disapprove such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule changes are 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–DTC–2017–005, SR–FICC–2017–009, or SR–NSCC–2017–006 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–DTC–2017–005, SR–FICC–2017–009, or SR–NSCC–2017–006. One of these file numbers 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 changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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 Clearing Agencies 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–DTC–2017–005, SR–FICC–2017–009, or SR–NSCC–2017–006 and should be submitted on or before May 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08283 Filed 4–24–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80484; File No. SR–FICC–2017–011]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish Effective Date of Government Securities Division Margin Proxy Rule Changes

April 19, 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 April 13, 2017, Fixed Income Clearing Corporation (''FICC'') 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 clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the Government Securities Division (''GSD'') Rulebook (''GSD Rules'')[3] of FICC in order to establish April 24, 2017 as the effective date of rule changes submitted pursuant to rule filing SR–FICC–2017–001 (''Rule Filing'')[4] and advance notice SR–FICC–2017–801 (''Advance Notice'').[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On March 30, 2017, the Commission issued an order approving the Rule Filing,[6] which was filed by FICC pursuant to Section 19(b)(2) of the Act.[7] The Commission also issued a notice of no objection to the Advance Notice,[8] which was filed with the Commission 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[9] and Rule 19b–4(n)(1)(i) of the Act.[10]

The purpose of the Rule Filing and the Advance Notice is to amend the GSD Rules to (i) include a minimum volatility calculation (referred to as the ''Margin Proxy'') when determining a GSD Netting Member's VaR Charge, (ii) modify the calculation of GSD's Coverage Charge in circumstances where the Margin Proxy applies and (iii) make certain technical corrections.

FICC is filing this proposed rule change to establish April 24, 2017 as the effective date of rule changes submitted pursuant to the Rule Filing and the Advance Notice. Specifically, FICC would add a legend to both GSD Rule 1 and GSD Rule 4 to state that the rule changes submitted pursuant to the Rule Filing and the Advance Notice have been approved and not objected to, respectively, but are not yet effective. The legend would provide April 24, 2017 as the date on which these rule changes would become effective, and would include the file numbers of the Rule Filing and the Advance Notice. The legend would state that bold and underlined text indicates added language, and that bold and strikethrough text indicates deleted language. The legend would also state that, once effective, the legend would automatically be removed from the GSD Rules and the formatting of the rule changes would automatically be revised accordingly.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the GSD Rules be designed to (i) promote the prompt and accurate clearance and settlement of securities transactions and (ii) remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest.[11] The proposed rule change would establish the effective date of rule changes described above and provide GSD Members with an understanding of when these rule changes will begin to affect them. Knowing when the rule changes will begin to affect GSD Members would enable them to timely fulfill their obligations to FICC, which would in turn ensure FICC's processes work as intended. Therefore, FICC believes that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions as well as remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act cited above.

(B) Clearing Agency's Statement on Burden on Competition

FICC does not believe that the proposed rule change to establish an effective date for the rule changes described above would have any impact, or impose any burden, on competition because the proposed rule change is intended to provide additional clarity in the GSD Rules with respect to when these rule changes would become effective for GSD Members. As such, the

[40] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used herein and not otherwise defined shall have the meaning assigned to such terms in the GSD Rules, *available at www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_gov_rules.pdf*.

[4] *See* Securities Exchange Act Release No. 79958 (February 3, 2017), 82 FR 10117 (February 9, 2017) (SR–FICC–2017–001).

[5] *See* Securities Exchange Act Release No. 80139 (March 2, 2017), 82 FR 13026 (March 8, 2017) (SR–FICC–2017–801).

[6] *See* Securities Exchange Act Release No. 80349 (March 30, 2017), 82 FR 16638 (April 5, 2017) (SR–FICC–2017–001).

[7] 15 U.S.C. 78s(b)(2).

[8] *See* Securities Exchange Act Release No. 80341 (March 30, 2017), 82 FR 16644 (April 5, 2017) (SR–FICC–2017–801).

[9] 12 U.S.C. 5465(e)(1).

[10] 17 CFR 240.19b–4(n)(1)(i).

[11] 15 U.S.C. 78q–1(b)(3)(F).

proposed rule change would not impact a particular category of GSD Members nor would it impact particular types of businesses that GSD Members are engaged in.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and paragraph (f) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–FICC–2017–011 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–2017–011. 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 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–2017–011 and should be submitted on or before May 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08282 Filed 4–24–17; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15107 and #15108]

California Disaster #CA–00268

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of CALIFORNIA dated 04/13/2017.

Incident: San Pablo Avenue Fire.

Incident Period: 03/27/2017.

Effective Date: 04/13/2017.

Physical Loan Application Deadline Date: 06/12/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 01/16/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Alameda.

Contiguous Counties:

California: Contra Costa, San Francisco, San Joaquin, San Mateo, Santa Clara, Stanislaus

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.750
Homeowners Without Credit Available Elsewhere	1.875
Businesses With Credit Available Elsewhere	6.300
Businesses Without Credit Available Elsewhere	3.150
Non-Profit Organizations With Credit Available Elsewhere	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.150
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15107 5 and for economic injury is 15108 0.

The States which received an EIDL Declaration # are CALIFORNIA.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Linda E. McMahon,

Administrator.

[FR Doc. 2017–08272 Filed 4–24–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9970]

Notice of Charter Renewal for the President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board

The official designation of this advisory committee is The President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board, hereinafter referred to as ''the Board.''

The Committee is established under the general authority of the Secretary of State and the Department of State (''the

Department'') as set forth in Title 22 of the United States Code, in particular Section 2656 of that Title, and consistent with the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix). The approval of this Charter by the Under Secretary for Management constitutes a determination by the Secretary of State that this Committee Charter is in the public interest in connection with the performance of duties of the Department.

The previous Charter for the Board was established on March 6, 2015. In accordance with Public Law 92–463, Section 14, it has been formally determined to be in the public interest to continue the Charter for another two years.

The Charter renewal was approved on April 5, 2017.

For further information about the Board, please contact Dr. Ebony Coleman, Designated Federal Officer for the Board, Office of the U.S. Global AIDS Coordinator and Health Diplomacy at *ColemanEM@state.gov.*

Ebony Coleman,

Designated Federal Officer, Office of the U.S. Global AIDS Coordinator and Health Diplomacy, Department of State.

[FR Doc. 2017–08360 Filed 4–24–17; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–1999–6439, Notice No. 25]

Adjustment of Nationwide Significant Risk Threshold

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Adjustment of Nationwide Significant Risk Threshold.

SUMMARY: Under title 49 Code of Federal Regulations, Use of Locomotive Horns at Public Highway-Rail Grade Crossings, FRA is updating the Nationwide Significant Risk Threshold (NSRT). This action is needed to ensure the public has the proper permissible risk threshold to evaluate risk resulting from prohibiting routine locomotive horn sounding at highway-rail grade crossings located in quiet zones. This is the seventh update to the NSRT and it is increasing from 14,347 to 14,723.

DATES: The effective date of this notice is April 25, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Ries, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 493–6299, *Ronald.Ries@dot.gov;* or Ms. Kathryn Gresham, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 493–6038, *Kathryn.Gresham@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

The NSRT is an average of the risk indexes for gated public crossings nationwide where train horns are routinely sounded. FRA developed this risk index to serve as one threshold of permissible risk for quiet zones established across the nation under 49 CFR part 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings. Thus, a community trying to establish and/or maintain its quiet zone, under 49 CFR part 222, can compare the Quiet Zone Risk Index calculated for its specific crossing corridor to the NSRT to determine whether sufficient measures have been taken to compensate for the excess risk that results from prohibiting routine sounding of the locomotive horn. In the alternative, a community can establish its quiet zone in comparison to the Risk Index With Horns, which is defined in 49 CFR 222.9 as a measure of risk to the motoring public when locomotive horns are routinely sounded at every public highway-rail grade crossing within a quiet zone.

FRA has periodically updated the NSRT since 2006. FRA last updated the NSRT in 2013, when FRA calculated the NSRT to be 14,347. 78 FR 70623, Nov. 26, 2013.

New NSRT

Using collision data over a 5-year period from 2011 to 2015, FRA has recalculated the NSRT based on formulas identified in 49 CFR part 222, appendix D. In making this recalculation, FRA noted the total number of gated crossings nationwide where train horns are routinely sounded was 44,591.

$$\text{Fatality Rate} = \frac{\text{Fatalities}}{\text{Fatal Incidents}} = \frac{270}{217} = 1.2442$$

$$\text{Injury Rate} = \frac{\text{Injuries in Injury-Only Incidents}}{\text{Injury-Only Incidents}} = \frac{1050}{641} = 1.6381$$

Applying the fatality rate and injury rate to the probable number of fatalities and injuries predicted to occur at each of the 44,591 identified crossings, and the predicted cost of the associated injuries and fatalities, FRA calculates the NSRT is 14,723. Accordingly, this updated NSRT value will serve as one threshold of permissible risk for quiet zones established across the nation pursuant to 49 CFR part 222.

Patrick T. Warren,

Acting Administrator.

[FR Doc. 2017–08337 Filed 4–24–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0123]

Reports, Forms and Record Keeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden.

DATES: Comments must be submitted on or before May 25, 2017.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW.,

Washington, DC 20503, Attention: NHTSA Desk Officer.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact John Kindelberger, Office of Regulatory Analysis and Evaluation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., NSA–310, Washington, DC 20590. Mr. Kindelberger's telephone number is 202–366–4696.

SUPPLEMENTARY INFORMATION: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). In compliance with these requirements, this notice announces that the following information collection request has been forwarded to OMB. A **Federal Register** notice requesting comments on the following information collection was published on December 21, 2016 (81 FR 93728). The agency received no comments on that notice.

Title: Tire Pressure Monitoring System—Outage Rate and Repair Costs (TPMS–ORRC).

OMB Number: 2127–0626.

Type of Request: Revision of a currently approved collection.

Abstract: Improperly inflated tires pose a safety risk, increasing the chance of skidding, hydroplaning, longer stopping distances, and crashes due to flat tires and blowouts. Section 13 of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, which Congress passed on November 1, 2000, directed NHTSA to conduct rulemaking actions to revise and update the Federal motor vehicle safety standards for tires, to improve labeling on tires, and to require a system in new motor vehicles that warns the operator when a tire is significantly underinflated.

Tire Pressure Monitoring Systems (TPMS) were mandated in Federal Motor Vehicle Safety Standard (FMVSS) No. 138, so that drivers are warned when the pressure in one or more of the vehicle's tires has fallen to 25 percent or more below the placard pressure, or a minimum level of pressure specified in the standard, whichever pressure is higher, and may be informed about which of the four tires is underinflated. As of September 1, 2007, after a phase-in period beginning on October 5, 2005, TPMS was required on all new light vehicles (*i.e.,* passenger cars, trucks, multipurpose passenger vehicles, and buses with a gross vehicle weight rating of 10,000 pounds or less, except those vehicles with dual wheels on an axle).

Executive Order 12866 requires Federal agencies to evaluate their existing regulations and programs and measure their effectiveness in achieving their objectives. Since the phase-in of TPMS, there has been only one evaluation of TPMS. The TPMS–SS (OMB #2127–0626) was conducted in 2011, as a special study through the infrastructure of the National Automotive Sampling System (NASS), to collect nationally representative data on how effective TPMS was in reducing underinflation in the on-road fleet of passenger vehicles. Analysis of the survey results indicated that direct TPMS is 55.6-percent effective at preventing severe underinflation as defined in FMVSS No. 138. However, effectiveness was substantially lower in vehicles that were 6–7 years old at the time of the survey. One explanation as to why this is true was the possibility that the drivers of these older vehicles were not taking all the maintenance actions (*e.g.,* adding TPMS sensors to new replacement tires, replacing non-functioning sensors on current tires, having the system properly re-set when needed) that were needed to insure the vehicles had functioning TPMS. Relevant data are needed to examine why the effectiveness of TPMSs in older vehicles is reduced and what can be done to increase it. This was the original goal of the TPMS–ORRC and is still a goal.

Additionally, on December 4, 2015, the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94) was signed into law. An amendment (Section 24115) directs the Secretary of Transportation to update the standard on tire pressure monitoring systems, FMVSS No. 138, to ensure that they cannot be overridden, reset or recalibrated in a way that will prevent the system from identifying a tire that is significantly underinflated. The Act also states that the revised requirements shall not contain any provision that has the effect of prohibiting the availability of direct or indirect tire pressure monitoring systems. Data are needed to help inform the required rulemaking. For this purpose, the design of the TPMS–ORRC field survey has been changed from a convenience sample to a probability sample, allowing nationally representative estimates; this revision also adds a module for indirect TPMS.

Affected Public: Individuals and businesses.

Estimated Total Annual Burden: 1,352 hours.

Comments are Invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including: Whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended and 49 CFR 1.95.

Joseph M. Kolly,

Acting Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. 2017–08355 Filed 4–24–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to the Foreign Narcotics Kingpin Designation Act

SUB-AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of two entities whose property and interests in property are blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act).

DATE: OFAC's actions described in this notice were effective on April 20, 2017.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*http://www.treasury.gov/ofac*).

Notice of OFAC Actions

On April 20, 2017, OFAC's Acting Director determined that the property and interests in property of the following persons are blocked.

Entities

1. GRUPO SEGTAC, S.A. DE C.V. (a.k.a. GRUPO INMOBILIARIO SEGTAC; a.k.a. GRUPO SEGTAC INMOBILIARIA), Av. Chapultepec No. 15, Piso 16–A Of. 1, Colonia Ladron de Guevara, Guadalajara, Jalisco, Mexico; R.F.C. GSE1111188QA (Mexico); Folio Mercantil No. 66501 (Mexico) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3) (Kingpin Act) for being controlled or directed by, or acting for or on behalf of, Abigael GONZALEZ VALENCIA, PLAZA LOS TULES, and XAMAN HA CENTER, foreign persons designated by the Secretary of the Treasury pursuant to the Kingpin Act.

2. YORV INMOBILIARIA, Av. Naciones Unidas 6875 LB17–1, Zapopan, Jalisco, Mexico; Web site *http://yorvinmobiliaria.com* [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3) (Kingpin Act) for being controlled or directed by, or acting for or on behalf of, Abigael GONZALEZ VALENCIA, PLAZA LOS TULES, and XAMAN HA CENTER, foreign persons designated by the Secretary of the Treasury pursuant to the Kingpin Act.

Dated: April 20, 2017.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–08310 Filed 4–24–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0816]

Agency Information Collection Activity: Board of Veterans' Appeals Voice of the Veteran Appellant Satisfaction Survey

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Board of Veterans' Appeals (Board), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 26, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Sue Hamlin, Board of Veterans' Appeals (01C2), Department of Veterans Affairs, P.O. Box 27063, Washington, DC 20038, or email: *sue.hamlin@va.gov.* Please refer to ''OMB Control No. 2900–0816'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Sue Hamlin at (202) 632–5100.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, the Board invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information will have practical utility; (2) the accuracy of BVA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: (Pub. L. 104–13; 44 U.S.C. 3501–3521).

Title: Board of Veterans' Appeals Voice of the Veteran Appellant Satisfaction Survey.

OMB Control Number: 2900–0816.

Type of Review: Renewal.

Abstract: This notice solicits comments information needed to enable the Board to gauge the effectiveness of the Board's process delivering information and assistance to Veterans and other appellants, as well as assess Veterans' and other appellants' overall level of satisfaction with the Board's appeals process. In addition, the data will be used by the Board to make improvements to the Board's operational processes and service delivery, which in turn, will enable the Board to serve Veterans in the most efficient and effective way possible.

Currently, the Board collects customer satisfaction data using the Customer Satisfaction Research Study, consisting of two survey instruments—the Appellant Satisfaction Telephone Survey and the Appellant Satisfaction eSurvey. The Board provides a sample to J.D. Power and Associates (JDPA) on a monthly basis of all individuals who have been issued a decision in the previous month. JDPA contacts individuals to participate in a 5-minute phone survey and are asked at the end of the phone survey to provide an email address to participate in a longer online eSurvey. If respondents agree to provide their email address, JDPA sends an email invitation with the eSurvey link. Survey results are aggregated and included in quarterly results reports to the Board. The Board will continue to benefit from obtaining direct feedback from Veterans and other appellants regarding their experience with the Board's appeals process. Specifically, the Veterans' and other appellants' feedback will provide the Board three key benefits: (1) Identify what is most important to them in determining their satisfaction with the Board's appeals process; (2) determine how to improve their experience with the Board's appeals process; and (3) serve to guide training and/or operational activities aimed at enhancing the quality of service provided to Veterans and other appellants.

The Board and JDPA will continue to survey Veterans and other appellants who have had their appeal decided through the Board's appeals process. This will enable the Board to gauge the effectiveness of its process delivering information and assistance to Veterans, as well as assess Veterans' overall level of satisfaction with the Board's appeals experience. In addition, the data will be used by the Board to make potential improvements to its operational processes and service delivery, which in turn, will enable the Board to serve Veterans and other appellants in the most efficient and effective way possible.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,571 hours.

Estimated Average Burden per Respondent: 5 minutes for telephone survey; 12 minutes for eSurvey.

Frequency of Response: One-time.

Estimated Number of Respondents: 14,727 total (11,782 for telephone survey; 2,945 for eSurvey).

By direction of the Secretary.

Cynthia Harvey-Pryor,

Agency Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–08336 Filed 4–24–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Tuesday,
No. 78 April 25, 2017

Part II

Bureau of Consumer Financial Protection

12 CFR Part 1003
Technical Corrections and Clarifying Amendments to the Home Mortgage Disclosure (Regulation C) October 2015 Final Rule; Proposed Rule

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1003

[Docket No. CFPB–2017–0010]

RIN 3170–AA64

Technical Corrections and Clarifying Amendments to the Home Mortgage Disclosure (Regulation C) October 2015 Final Rule

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Proposed rule with request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) proposes amendments to Regulation C to make technical corrections to and to clarify certain requirements adopted by the Bureau's Home Mortgage Disclosure (Regulation C) final rule (2015 HMDA Final Rule or the Final Rule), which was published in the **Federal Register** on October 28, 2015. The Bureau also proposes a new reporting exclusion.

DATES: Comments must be received on or before May 25, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2017–0010 or RIN 3170–AA64, by any of the following methods:

Email: FederalRegisterComments@cfpb.gov. Include CFPB–2017–0010 or RIN 3170–AA64 in the subject line of the email.

Electronic: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Hand Delivery/Courier: Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

Instructions: Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1275 First Street NE., Washington, DC 20002, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Joseph Devlin, Kathryn Lazarev, or Alexandra W. Reimelt, Counsels; or Terry J. Randall, Senior Counsel, Office of Regulations, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Summary of the Proposed Rule

Regulation C implements the Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801 through 2810. For over four decades, HMDA has provided the public and public officials with information about mortgage lending activity within communities by requiring financial institutions to collect, report, and disclose certain data about their mortgage activities. The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended HMDA, transferring rulewriting authority to the Bureau and expanding the scope of information that must be collected, reported, and disclosed under HMDA, among other changes.[1] In October 2015, the Bureau issued the 2015 HMDA Final Rule implementing the Dodd-Frank Act amendments to HMDA.[2] The Final Rule modified the types of institutions and transactions subject to Regulation C, the types of data that institutions are required to collect, and the processes for reporting and disclosing the required data.[3] Most of these amendments take effect on January 1, 2018.

Through outreach, the Bureau has identified a number of areas in which implementation of the 2015 HMDA Final Rule could be facilitated through clarifications, technical corrections, or minor changes and the Bureau proposes certain amendments to Regulation C to address those areas. The proposal would establish transition rules for two data points, loan purpose and the unique identifier for the loan originator. The transition rules would permit financial institutions to report not applicable for these data points when reporting certain loans that they purchased that were originated before certain regulatory requirements took effect. The proposal also would make additional amendments to clarify certain key terms, such as temporary financing and automated underwriting system, and create a new reporting exception for certain transactions associated with New York State consolidation, extension, and modification agreements.

In addition, the proposal would facilitate reporting the census tract of the property securing, or, in the case of an application, proposed to secure, the covered loan required by Regulation C. The Bureau plans to make available on its Web site a geocoding tool (the Bureau's geocoding tool) that financial institutions may use to identify the census tract in which a property is located. The proposal would establish that a financial institution would not violate Regulation C by reporting an incorrect census tract for a particular property if the financial institution obtained the incorrect census tract number from the Bureau's geocoding tool, provided that the financial institution entered an accurate property address into the tool and the tool returned a census tract for the address entered. The proposal also would make certain technical corrections.

II. Background

HMDA requires certain banks, savings associations, credit unions, and for-profit nondepository institutions to collect, report, and disclose data about originations and purchases of mortgage loans, as well as mortgage loan applications that do not result in originations (for example, applications that are denied or withdrawn). As originally adopted, Congress stated the purposes of HMDA as providing the public and public officials with information to help determine whether financial institutions are serving the housing needs of the communities in which they are located and to assist public officials in their determination of the distribution of public sector investments in a manner designed to improve the private investment environment.[4] Congress later expanded HMDA to require, among other things, financial institutions to report racial characteristics, gender, and income information on applicants and borrowers.[5] In light of these amendments, the Board of Governors of the Federal Reserve System (Board)

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376, section 2097–101 (2010).

[2] Home Mortgage Disclosure (Regulation C); 80 FR 66128 (Oct. 28, 2015) (October 2015 HMDA Final Rule).

[3] October 2015 HMDA Final Rule, 80 FR 66128, 29.

[4] Home Mortgage Disclosure (Regulation C), 76 FR 78465 section 302(b) (Dec 19. 2012), 12 U.S.C. 2801(b); *see also* 12 CFR 1003.1(b)(1)(i) and (ii).

[5] Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101–73, section 1211 (''Fair lending oversight and enforcement'' section), 103 Stat. 183, 524–26 (1989).

subsequently recognized a third HMDA purpose of identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes, which now is codified with HMDA's other purposes in Regulation C.[6]

In 2010, Congress enacted the Dodd-Frank Act, which amended HMDA and also transferred HMDA rulemaking authority and other functions from the Board to the Bureau.[7] Among other changes, the Dodd-Frank Act expands the scope of information relating to mortgage applications and loans that must be collected, reported, and disclosed under HMDA. New data points specified in the Dodd-Frank Act include the age of loan applicants and mortgagors, information relating to the points and fees payable at origination, the difference between the annual percentage rate (APR) associated with the loan and a benchmark rate or rates for additional loans, the term of any prepayment penalty, the value of real property to be pledged as collateral, the term of the loan and of any introductory interest rate for the loan, the presence of contract terms allowing nonamortizing payments, the origination channel, and the credit scores of applicants and mortgagors.[8] The Dodd-Frank Act also authorizes the Bureau to require, ''as [it] may determine to be appropriate,'' a unique identifier that identifies the loan originator, a universal loan identifier, and the parcel number that corresponds to the real property pledged or proposed to be pledged as collateral for the mortgage loan.[9] The Dodd-Frank Act also provides the Bureau with the authority to require ''such other information as the Bureau may require.'' [10] The Dodd-Frank Act mandated that ''the Bureau, in consultation with other appropriate agencies . . . and, after notice and comment, shall develop regulations that—

(A) prescribe the format for such disclosures, the method for submission of the data to the appropriate agency, and the procedures for disclosing the information to the public;

(B) require the collection of data required to be disclosed under subsection (b) with respect to loans sold by each institution reporting under this title;

(C) require disclosure of the class of the purchaser of such loans;

(D) permit any reporting institution to submit in writing to the Bureau or to the appropriate agency such additional data or explanations as it deems relevant to the decision to originate or purchase mortgage loans; and

(E) modify or require modification of itemized information, for the purpose of protecting the privacy interests of the mortgage applicants or mortgagors, that is or will be available to the public.'' [11]

In October 2015, the Bureau issued the 2015 HMDA Final Rule which implemented the Dodd-Frank Act amendments to HMDA.[12] The Final Rule modifies the types of institutions and transactions subject to Regulation C, the types of data that institutions are required to collect, and the processes for reporting and disclosing the required data.

Since issuing the Final Rule, the Bureau has conducted outreach with stakeholders, through participation in conferences concerning the Final Rule, communications with HMDA vendors, and informal inquiries submitted by financial institutions. As part of these efforts and through its own analysis of the 2015 HMDA Final Rule, the Bureau has identified certain technical errors in the Final Rule, potential ways to ease burden of reporting certain data requirements, and clarification of key terms that will facilitate compliance with the Final Rule. This proposal addresses these issues.

III. Legal Authority

The Bureau is issuing this proposal pursuant to its authority under the Dodd-Frank Act and HMDA. This proposed rule consists of amendments and corrections to the 2015 HMDA Final Rule.[13] Section 1061 of the Dodd-Frank Act transferred to the Bureau the ''consumer financial protection functions'' previously vested in certain other Federal agencies, including the Board.[14] The term ''consumer financial protection function'' is defined to include ''all authority to prescribe rules or issue orders or guidelines pursuant to any Federal consumer financial law, including performing appropriate functions to promulgate and review such rules, orders, and guidelines.'' [15] Section 1022(b)(1) of the Dodd-Frank Act authorizes the Bureau's Director to prescribe rules ''as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.'' [16] Both HMDA and title X of the Dodd-Frank Act are Federal consumer financial laws.[17] Accordingly, the Bureau has authority to issue regulations to administer HMDA.

HMDA section 305(a) broadly authorizes the Bureau to prescribe such regulations as may be necessary to carry out HMDA's purposes.[18] These regulations may include ''classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Bureau are necessary and proper to effectuate the purposes of [HMDA], and prevent circumvention or evasion thereof, or to facilitate compliance therewith.'' [19]

A number of HMDA provisions specify that covered institutions must compile and make their HMDA data publicly available ''in accordance with regulations of the Bureau'' and ''in such formats as the Bureau may require.'' [20] HMDA section 304(j)(1) authorizes the Bureau to issue regulations to define the loan application register information that HMDA reporters must make available to the public upon request and to specify the form required for such disclosures.[21] HMDA section 304(j)(2)(B) provides that ''[t]he Bureau shall require, by regulation, such deletions as the Bureau may determine to be appropriate to protect—(i) any privacy interest of any applicant . . . and (ii) a depository institution from liability under any Federal or State

[6] 54 FR 51356, 51357 (Dec. 15, 1989), *codified at* 12 CFR 1003.1(b)(1).

[7] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376, sections 1980, 2035–38, and 2097–101 (2010). Also, in 2010, the Board conducted public hearings on potential revisions to Regulation C.

[8] Dodd-Frank Act section 1094(3)(A), *amending* HMDA section 304(b), 12 U.S.C. 2803(b).

[9] *Id.*

[10] *Id.*

[11] Dodd-Frank Act section 1094(3)(B), *amending* HMDA section 304(h), 12 U.S.C. 2803(h).

[12] October 2015 HMDA Final Rule, 80 FR 66128.

[13] October 2015 HMDA Final Rule, 80 FR 66128, 66136–37.

[14] 12 U.S.C. 5581. Section 1094 of the Dodd-Frank Act also replaced the term ''Board'' with ''Bureau'' in most places in HMDA. 12 U.S.C. 2803 *et seq.*

[15] 12 U.S.C. 5581(a)(1)(A).

[16] 12 U.S.C. 5512(b)(1).

[17] Dodd-Frank Act section 1002(14), 12 U.S.C. 5481(14) (defining ''Federal consumer financial law'' to include the ''enumerated consumer laws'' and the provisions of title X of the Dodd-Frank Act); Dodd-Frank Act section 1002(12), 12 U.S.C. 5481(12) (defining ''enumerated consumer laws'' to include HMDA).

[18] 12 U.S.C. 2804(a).

[19] *Id.*

[20] *See, e.g.,* HMDA section 304(a)(1), (j)(2)(A), (j)(3), (m)(2), 12 U.S.C. 2803(a)(1), (j)(2)(A), (j)(3), (m)(2); *see also* HMDA section 304(b)(6)(I), 12 U.S.C. 2803(b)(6)(I) (requiring covered institutions to use ''such form as the Bureau may prescribe'' in reporting credit scores of mortgage applicants and mortgagors). HMDA section 304(k)(1) also requires depository institutions covered by HMDA to make disclosure statements available ''[i]n accordance with procedures established by the Bureau pursuant to this section.'' 12 U.S.C. 2803(k)(1).

[21] 12 U.S.C. 2803(j)(1).

privacy law.'' [22] HMDA subsection 304(j)(7) also directs the Bureau to make every effort in prescribing regulations under the subsection to minimize the costs incurred by a depository institution in complying with such regulations.[23]

HMDA section 304(e) directs the Bureau to prescribe a standard format for HMDA disclosures required under HMDA section 304.[24] As amended by the Dodd-Frank Act, HMDA section 304(h)(1) requires HMDA data to be submitted to the Bureau or to the appropriate agency for the reporting financial institution ''in accordance with rules prescribed by the Bureau.'' [25] HMDA section 304(h)(1) also directs the Bureau, in consultation with other appropriate agencies, to develop regulations after notice and comment that:

> prescribe the format for such disclosures, the method for submission of the data to the appropriate agency, and the procedures for disclosing the information to the public; require the collection of data required to be disclosed under [HMDA section 304(b)] with respect to loans sold by each institution reporting under this title; require disclosure of the class of the purchaser of such loans; permit any reporting institution to submit in writing to the Bureau or to the appropriate agency such additional data or explanations as it deems relevant to the decision to originate or purchase mortgage loans; and modify or require modification of itemized information, for the purpose of protecting the privacy interests of the mortgage applicants or mortgagors, that is or will be available to the public.[26]

HMDA also authorizes the Bureau to issue regulations relating to the timing of HMDA disclosures.[27]

As amended by the Dodd-Frank Act, HMDA section 304 requires itemization of specified categories of information and ''such other information as the Bureau may require.'' [28] Specifically, HMDA section 304(b)(5)(D) requires reporting of ''such other information as the Bureau may require'' for mortgage loans, and section 304(b)(6)(J) requires reporting of ''such other information as the Bureau may require'' for mortgage loans and applications. HMDA section 304 also identifies certain data points that are to be included in the itemization ''as the Bureau may determine to be appropriate.'' [29] It provides that age and other categories of data shall be modified prior to release ''as the Bureau determines to be necessary'' to satisfy the statutory purpose of protecting the privacy interests of the mortgage applicants or mortgagors.[30]

The Dodd-Frank Act amendments to HMDA also authorize the Bureau's Director to develop or assist in the improvement of methods of matching addresses and census tracts to facilitate HMDA compliance by depository institutions in as economical a manner as possible.[31] The Bureau, in consultation with the Secretary of HUD, may also exempt for-profit mortgage-lending institutions that are comparable within their respective industries to a bank, savings association, or credit union that has total assets of $10,000,000 or less.[32]

In preparing this proposed rule, the Bureau has considered the changes below in light of its legal authority under HMDA and the Dodd-Frank Act. The Bureau has determined that each of the changes addressed below is consistent with the purposes of HMDA and is authorized by one or more of the sources of statutory authority identified in this part.

IV. Effective Date

For the reasons discussed below, the Bureau proposes that the amendments included in this proposal take effect when the related amendments to Regulation C adopted by the 2015 HMDA Final Rule take effect. As discussed more fully below, the proposed amendments to Regulation C would make technical corrections to and address certain areas to facilitate implementation of the 2015 HMDA Final Rule. For the proposed amendments to have the intended effect, the proposed amendments' effective dates should be synchronized with the related effective dates in the HMDA Final Rule.

The HMDA Final Rule takes effect in stages between January 1, 2017 and January 1, 2020, with most of the amendments included in the Final Rule taking effect on January 1, 2018. Accordingly, the Bureau proposes, as provided in the proposed amendatory instructions included below, that most of the proposed amendments take effect on January 1, 2018. The Bureau proposes that some proposed amendments take effect on January 1, 2019 or January 1, 2020, respectively, to correspond to related effective dates for amendments included in the Final Rule. The proposed amendments that would take effect on January 1, 2019 or January 1, 2020, respectively, are noted in the applicable section-by-section discussion in part V below and proposed amendatory instructions included below. The proposed amendatory instructions are organized sequentially by effective date, starting with all proposed amendments that would take effect on January 1, 2018. The Bureau solicits comment on the proposed effective dates.

V. Section-by-Section Analysis

The discussion below uses the following shorthand to refer to the individual provisions in Regulation C: ''Current § 1003.X'' refers to the provision currently in effect, as of the date of this proposal; ''Revised § 1003.X'' refers to the provision as revised by the Final Rule; ''§ 1003.X, as adopted by the Final Rule;'' refers to a provision newly adopted by the Final Rule; and, ''Proposed § 1003.X'' refers to the proposed amendments to the provision.

Section 1003.2 Definitions

2(d) Closed-End Mortgage Loan

In the Final Rule, the Bureau adopted § 1003.2(d) to provide that a ''closed-end mortgage loan'' is a dwelling-secured ''extension of credit'' that is not an open-end line of credit. Comment 2(d)–2, as adopted by the Final Rule, provides guidance on ''extension of credit,'' including an example of a transaction that would not be viewed as a closed-end mortgage loan because no credit is extended. Comment 2(d)–2 also explains that, for purposes of Regulation C, an ''extension of credit'' refers to the granting of credit pursuant to a new debt obligation. The comment provides that if a transaction modifies, renews, extends, or amends the terms of an

[22] 12 U.S.C. 2803(j)(2)(B).

[23] 12 U.S.C. 2803(j)(7).

[24] 12 U.S.C. 2803(e).

[25] 12 U.S.C. 2803(h)(1); *see also* HMDA section 304(n), 12 U.S.C. 2803(n) (discussing submission to the Bureau or the appropriate agency ''in accordance with regulations prescribed by the Bureau''). For purposes of HMDA section 304(h), HMDA section 304(h)(2) defines the appropriate agencies for different categories of financial institutions. The agencies are the Federal banking agencies, the FDIC, the NCUA, and the Secretary of HUD. 12 U.S.C. 2803(h)(2).

[26] 12 U.S.C. 2803(h)(1). The Dodd-Frank Act also added new HMDA section 304(h)(3), which directs the Bureau to prescribe standards for any modification pursuant to HMDA section 304(h)(1)(E), to effectuate HMDA's purposes, in light of the privacy interests of mortgage applicants or mortgagors. 12 U.S.C. 2803(h)(1)(E), 2803(h)(3).

[27] HMDA section 304(*l*)(2)(A), 12 U.S.C. 2803(*l*)(2)(A) (setting maximum disclosure periods except as provided under other HMDA subsections and regulations prescribed by the Bureau); HMDA section 304(n), 12 U.S.C. 2803(n).

[28] HMDA section 304(b)(5)(D), (b)(6)(J), 12 U.S.C. 2803(b)(5)(D), (b)(6)(J).

[29] HMDA section 304(b)(6)(F), (G), (H), 12 U.S.C. 2803(b)(6)(F), (G), (H).

[30] HMDA section 304(h)(3)(A)(ii), 12 U.S.C. 2803(h)(3)(A)(ii).

[31] HMDA section 307(a), 12 U.S.C. 2806(a) (authorizing the Bureau's Director to utilize, contract with, act through, or compensate any person or agency to carry out this subsection).

[32] HMDA section 309(a), 12 U.S.C. 2808(a).

existing debt obligation without satisfying and replacing the original debt obligation with a new debt obligation, the transaction generally is not an extension of credit under Regulation C. For the reasons discussed below, the Bureau proposes certain clarifying amendments to comment 2(d)–2.

The example in comment 2(d)–2, as adopted by the Final Rule, illustrating a transaction in which there is no extension of credit, discusses installment land sales contracts. The Bureau believes that the specific example included in the Final Rule is not helpful for illustrating a transaction in which there is no extension of credit because whether installment land sales contracts are extensions of credit is a fact-specific inquiry that depends on the particular installment contract's terms and other facts and circumstances. Therefore, the Bureau proposes to remove the specific example from comment 2(d)–2, while also providing more generally that installment land sales contracts, depending on the facts and circumstances, may or may not involve extensions of credit rendering the transactions closed-end mortgage loans. The Bureau solicits comment on this change.

Comment 2(d)–2.ii as adopted by the Final Rule provides a narrow exception to revised Regulation C's general rule that an ''extension of credit'' occurs only when a new debt obligation is created.[33] The exception covers transactions completed pursuant to a New York State consolidation, extension, and modification agreement and classified as a supplemental mortgage under New York Tax Law section 255, such that the borrower owes reduced or no mortgage recording taxes (New York CEMAs). As explained in the Final Rule [34] and discussed more fully below in relation to § 1003.3(c)(13), the Bureau believes that transactions completed pursuant to New York CEMAs represent situations where a new debt obligation is created in substance, if not in form, and that the benefits of requiring such transactions to be reported justify the burdens. The Bureau proposes no changes to the ''extension of credit'' exception that requires reporting of New York CEMAs but proposes a complementary exclusion from reporting, in § 1003.3(c)(13), for any preliminary transaction providing new funds prior to consolidation as part of the CEMA, as discussed below. The Bureau proposes to include in comment 2(d)–2.ii a clarifying reference to the new § 1003.3(c)(13) exclusion. The Bureau solicits comment on this clarifying reference.

2(f) Dwelling

In revised § 1003.2(f) and comment 2(f)–2, the Final Rule revised and clarified the definition of ''dwelling'' in Regulation C to provide, among other things, that multifamily residential structures include housing complexes and manufactured home communities and that such communities are dwellings. The Bureau believed that providing comment 2(f)–2 relating to multifamily residential structures would facilitate compliance by providing guidance on when loans related to multifamily dwellings would be considered loans secured by a dwelling for purposes of Regulation C. In revised § 1003.2(n), the Bureau provides that a ''multifamily dwelling'' is a dwelling that contains five or more individual dwelling units. Revised § 1003.4(a) excludes many data points for covered loans secured by multifamily dwellings because such data may not be easily available, relevant, or useful for multifamily transactions. For example, except for purchased covered loans, revised § 1003.4(a)(23) requires reporting of the ratio of the applicant's or borrower's total monthly debt to the total monthly income relied on in making the credit decision. However, comment 4(a)(23)–6 makes clear that a financial institution complies with § 1003.4(a)(23) by reporting that the requirement is not applicable for a covered loan secured by, or an application proposed to be secured by, a multifamily dwelling.

During implementation of the Final Rule, the Bureau was asked whether loans that are secured by five or more separate dwellings that each contain fewer than five individual dwelling units in more than one location are loans secured by multifamily dwellings. For example, a landlord might use a covered loan to improve five or more single-family dwellings in different locations, with those properties securing the loan. Because such a loan would not be secured by a housing complex or manufactured home community, it is not clear under § 1003.2(f) as adopted by the Final Rule how it should be reported. The Bureau believes that such a loan should be reported as secured by a multifamily dwelling. As with loans that are secured by multifamily dwellings in one location, the information that would be excluded from reporting under revised § 1003.4(a), such as the debt-to-income ratio discussed above, might also not be easily available, relevant, or useful for loans secured by five or more separate non-multifamily dwellings in more than one location. Consequently, to facilitate implementation and ensure the relevance and usefulness of the data collected, the Bureau proposes to add language to comment 2(f)–2 making clear that a loan secured by five or more separate dwellings in more than one location is a loan secured by a multifamily dwelling and providing an example. The Bureau solicits comment on this added language.

In addition, the Bureau proposes a technical correction to comment 2(f)–2. The Bureau proposes to change the term ''complexes'' to ''housing complexes,'' for clarity. No change in meaning is intended. The Bureau requests comment on this technical correction.

2(g) Financial Institution

As discussed below, the Bureau proposes an exclusion from reporting, in proposed § 1003.3(c)(13), for any preliminary transaction providing new funds prior to consolidation as part of a New York CEMA. In addition, the Bureau proposes a conforming change to §§ 1003.2(g)(1)(v)(A) and (2)(ii)(A) as adopted by the Final Rule in the definition of ''financial institution,'' adding the new exclusion to a list of exclusions referenced in that definition. Although the definition of financial institution includes thresholds for non-excluded closed-end mortgage loans and non-excluded open-end lines of credit, this conforming change is limited to the portions of § 1003.2(g) listing exclusions for closed-end mortgage loans because the Bureau does not believe that open-end lines of credit are used to provide new funds prior to consolidation as part of a New York CEMA. The Bureau requests comment on this conforming change, including whether open-end lines of credit may be used in this way.

2(i) Home Improvement Loan

HMDA section 303(2) defines a ''mortgage loan'' as a loan that is secured by residential real property or a home improvement loan. Regulation C currently defines ''home improvement loan'' and provides guidance in commentary about mixed-use property. Pursuant to the Bureau's authority under HMDA section 305(a), the Bureau revised the current definition of home improvement loan in § 1003.2(i) as adopted by the Final Rule and revised the accompanying commentary regarding mixed-use property. For the reasons set forth below, the Bureau

[33] Comment 2(d)–2.i provides a second exception, for assumptions, which Regulation C historically has covered. The Bureau is not proposing any change to the assumptions exception.

[34] 80 FR 66128, 66142–66143 (Oct. 28, 2015).

proposes to amend the commentary to § 1003.2(i) to clarify further the reporting requirements for home improvement loans secured by mixed-use property, that is, a dwelling used for both residential and commercial purposes.

The Bureau understands there may be uncertainty regarding the reporting requirements for mixed-use property under § 1003.2(i), as adopted by the Final Rule, in light of § 1003.3(c)(10), which the Bureau adopted by the Final Rule to exclude certain loans and lines of credit made primarily for a commercial or business purpose from coverage. Comment 2(i)–4 explains, in relevant part, that a closed-end mortgage loan or an open-end line of credit to improve a dwelling used for residential and commercial purposes (for example, a building containing apartment units and retail space) or the real property on which such a dwelling is located, is a home improvement loan if the loan's proceeds are used either to improve the entire property (for example, to replace the heating system) or if the proceeds are used primarily to improve the residential portion of the property. Section 1003.3(c)(10) excludes loans and lines of credit made primarily for a commercial or business purpose unless they are for the purpose of home purchase under § 1003.2(j), home improvement under § 1003.2(i), or refinancing under § 1003.2(p). Comment 3(c)(10)–3 provides illustrative examples of business- or commercial-purpose loans and lines of credit that are covered loans under the Final Rule. Comment 3(c)(10)–3.ii explains that a closed-end mortgage loan or an open-end line of credit to improve an office, for example, a doctor's office, that is located in a dwelling, would be a covered loan.

The Bureau is concerned that comments 2(i)–4 and 3(c)(10)–3.ii, as adopted by the Final Rule, could be interpreted as providing inconsistent guidance regarding when a closed-end mortgage loan or open-end line of credit to improve property used for both residential and commercial purposes would be considered a home improvement loan under § 1003.2(i). Comment 2(i)–4 explains that a closed-end mortgage loan or open-end line of credit is a reportable home improvement loan under § 1003.2(i) if the proceeds are used to improve the entire property or primarily the residential portion of the property. However, comment 3(c)(10)–3.ii provides an example indicating that a closed-end mortgage loan or open-end line of credit to improve an office in a dwelling would be a reportable home improvement loan under § 1003.2(i), even though its primary purpose is to improve the commercial portion of the property.

To resolve this apparent tension, the Bureau proposes to amend comment 2(i)–4 to clarify that the comment applies only to multifamily dwellings.[35] The proposed amendment would clarify that the Bureau intends comment 2(i)–4 to apply to multifamily dwellings of the type referenced in the comment (for example, a building containing five or more apartment units and retail space), and not to non-multifamily dwellings that have both residential and commercial purposes (for example, a single-family dwelling with a doctor's office). The Bureau believes that loans or lines of credit to improve primarily the commercial portion of a multifamily dwelling should not be reportable home improvement loans because such loans or lines of credit involve relatively small housing components and large commercial components of the dwelling in comparison to loans or lines of credit to improve primarily the commercial portion of a dwelling other than a multifamily family dwelling. The Bureau also believes that loans or lines of credit to improve primarily the commercial portion of a multifamily dwelling would provide limited information to help determine whether financial institutions are serving the housing needs of the communities in which they are located. Accordingly, the proposed amendments to comments 2(i)–4 and 3(c)(10)–3.ii together would clarify that a loan to improve commercial space in a multifamily dwelling would not be a home improvement loan, but a loan to improve commercial space in a dwelling other than a multifamily dwelling would be a home improvement loan. The Bureau believes its proposal to clarify the applicability of comment 2(i)–4 to multifamily dwellings, taken together with the proposed amendment to comment 3(c)(10)–3.ii, would resolve potential uncertainty over the reporting requirements for loans used to improve various types of mixed-use property. The Bureau solicits comment on the proposed clarification.

2(j) Home Purchase Loan

Currently, § 1003.2 provides a definition of ''home purchase loan'' and provides guidance in commentary. The Final Rule revised the current definition of home purchase loan in § 1003.2(j) and revised the current home purchase loan commentary to conform to revised § 1003.2(j) and to provide additional clarifications. The Final Rule renumbered current comment 2(Home purchase loan)–5 as comment 2(j)–3, with minor changes for clarity. Revised comment 2(j)–3 explains that a home purchase loan includes both a combined construction/permanent loan and the permanent financing that replaces a construction-only loan. It further explains that a home purchase loan does not include a construction-only loan that is designed to be replaced by permanent financing at a later time, which is excluded from Regulation C as temporary financing under § 1003.3(c)(3), and includes a cross-reference to comment 3(c)(3)–1. For the reasons discussed below, the Bureau proposes to amend comment 2(j)–3.

As discussed in more detail in the section-by-section analysis of § 1003.3(c)(3) regarding temporary financing, the Bureau proposes to amend the commentary to § 1003.3(c)(3) to clarify that a loan or line of credit is considered temporary financing and excluded under § 1003.3(c)(3) if the loan or line of credit is designed to be replaced by separate permanent financing extended to the same borrower at a later time. The Bureau also proposes to amend the commentary to § 1003.3(c)(3) to provide guidance that a construction-only loan or line of credit is considered temporary financing and is excluded from reporting if the loan or line of credit is extended to a person exclusively to construct a dwelling for sale. Such loans are not currently reported under Regulation C, and the Bureau did not intend § 1003.3(c)(3), as adopted by the Final Rule, to expand coverage to include them.

The Bureau proposes conforming changes to comment 2(j)–3 to reflect the proposed revisions to the § 1003.3(c)(3) commentary. The Bureau also proposes to refer to both a loan or line of credit in comment 2(j)–3, consistent with the § 1003.3(c)(3) commentary. Accordingly, the Bureau proposes to amend comment 2(j)–3 to explain that a home purchase loan includes both a combined construction/permanent loan or line of credit, and the separate permanent financing that replaces a construction-only loan or line of credit for the same borrower at a later time. Proposed comment 2(j)–3 would also clarify that a home purchase loan does not include a construction-only loan or line of credit that is designed to be replaced by separate permanent financing extended to the same borrower at a later time or that is extended to a person exclusively

[35] As discussed in more detail in the section-by-section analysis of § 1003.3(c)(10), the Bureau proposes to revise the example in comment 3(c)(10)–3.ii to clarify that it applies to dwellings other than multifamily dwellings.

to construct a dwelling for sale, and include a cross-reference to proposed new comment 3(c)(3)–2. As noted above, the Bureau proposes to exclude such loans or lines of credit from Regulation C as temporary financing under § 1003.3(c)(3). The Bureau solicits comment on the proposed amendments.

Section 1003.3 Exempt Institutions and Excluded Transactions

3(c) Excluded Transactions

3(c)(3)

Currently, Regulation C provides an exclusion for temporary financing in § 1003.4(d)(3). The Final Rule revised the exclusion for temporary financing in § 1003.3(c)(3) and adopted comment 3(c)(3)–1 to clarify the scope of the exclusion and to incorporate existing guidance in a FFIEC FAQ. Comment 3(c)(3)–1, as adopted by the Final Rule, provides that temporary financing is excluded from coverage and explains that a loan or line of credit is temporary financing if it is designed to be replaced by permanent financing at a later time. The comment provides several illustrative examples to clarify whether a loan or line of credit is designed to be replaced by permanent financing. For the reasons discussed below, the Bureau proposes to clarify further the meaning of comment 3(c)(3)–1 and to add new comment 3(c)(3)–2 to clarify the treatment of certain construction-only loans or lines of credit as temporary financing.

The Bureau understands that there may be uncertainty regarding the guidance set forth in comment 3(c)(3)–1 as adopted by the Final Rule. Specifically, the comment does not explain whether a loan or line of credit must be designed to be replaced by permanent financing extended to the same borrower at a later time in order for that loan or line of credit to be considered temporary financing. The illustrative examples in comment 3(c)(3)–1.i through .v suggest that the temporary financing exclusion applies when the loan or line of credit is designed to be replaced by permanent financing to the same borrower at a later time, but do not state this expressly.[36] Additionally, the Bureau believes it may be helpful to explain that, for a loan or line of credit to be considered temporary financing, it must be a separate transaction from the permanent financing designed to replace it. Accordingly, to clarify further the meaning of comment 3(c)(3)–1, the Bureau proposes to amend the comment to specify that a loan or line of credit is considered temporary financing and excluded under § 1003.3(c)(3) if it is designed to be replaced by separate permanent financing extended to the same borrower at a later time. The Bureau proposes amendments to the illustrative examples in comment 3(c)(3)–1.ii through .v to reflect these proposed clarifications. To improve consistency, the Bureau also proposes to substitute the word ''obtained'' for the word ''made'' in comment 3(c)(3)–1.iii. Additionally, the Bureau proposes to amend comment 3(c)(3)–1 to reflect the proposed addition of proposed comment 3(c)(3)–2, as discussed in more detail below.

The Bureau is also concerned that comment 3(c)(3)–1 may be read as expanding Regulation C reporting requirements to certain transactions that the Bureau believes should be considered temporary financing and excluded from reporting because their unique characteristics provide limited data to support HMDA's purposes. Comment 3(c)(3)–1 does not specifically address a construction-only loan or line of credit to a person exclusively to construct a dwelling for sale. Construction-only loans or lines of credit to construct a dwelling for sale are not currently reported under Regulation C, and the Bureau did not intend in the Final Rule to expand Regulation C's coverage to include them. However, comment 3(c)(3)–1 suggests that such loans or lines of credit would not be excluded as temporary financing under § 1003.3(c)(3) if they are not designed to be replaced by permanent financing at a later time. Additionally, as noted above, the Bureau proposes to clarify in comment 3(c)(3)–1 that for the temporary financing exclusion to apply, the separate permanent financing must be extended to the same borrower that obtained the loan or line of credit it is designed to replace. A loan or line of credit to a person to finance the construction of a dwelling for sale is an interim transaction paid off with proceeds from the sale of the dwelling when its construction is completed, and as such, the construction loan or line of credit is not designed to be replaced by permanent financing to the same borrower. Instead, the buyer of the newly-constructed dwelling generally obtains a HMDA-reportable home purchase loan to finance the purchase of the dwelling, and this permanent financing obtained by the buyer functions to pay off the construction loan or line of credit.

The Bureau believes that expanding Regulation C's transactional coverage to require reporting of loans or lines of credit for the sole purpose of constructing a dwelling for sale, which are often extended to builders, would yield limited data to support HMDA's purposes because of the distinct pricing terms, underwriting standards, and loan features generally present in these transactions. For example, the Bureau believes that a construction-only loan or line of credit to a person exclusively to construct a dwelling for sale would provide relatively limited information to help determine whether financial institutions are serving the housing needs of their communities or assist in decisions regarding the distribution of public sector investments. Thus, the Bureau believes that construction-only loans or lines of credit to a person exclusively to construct a dwelling for sale should continue to be excluded as temporary financing in light of their unique characteristics and limited value in furthering HMDA's purposes. Moreover, such loans or lines of credit will often be replaced by a buyer's permanent financing that would be reported under HMDA and provide information about the property securing the longer-term loan, such as construction method and property value.

The Bureau believes that construction-only loans or lines of credit extended to a person exclusively to construct a dwelling for sale are distinguishable from short-term transactions that provide valuable HMDA data and are not excluded as temporary financing under § 1003.3(c)(3). The Bureau recognizes that in the Final Rule, it explained that the temporary financing exclusion does not depend on the loan purpose, but rather turns on whether the loan is or is not designed to be replaced by longer-term financing at a later time.[37] The Bureau did not intend to expand Regulation C's transactional coverage to include construction-only loans or lines of credit to a person exclusively to construct a dwelling for sale, and

[36] For example, comment 3(c)(3)–1.ii explains that the initial construction loan is excluded as temporary financing under § 1003.3(c)(3) and provides an example where Lender A extends credit to finance construction of a dwelling, and a new extension of credit for permanent financing for the dwelling will be obtained, either from Lender A or from another lender, and either through a refinancing of the initial construction loan or a separate loan. Comment 3(c)(3)–1.v explains, in relevant part, that under § 1003.3(c)(3), the loan is not designed to be replaced by permanent financing and the temporary financing exclusion does not apply in an example where Lender A originates a loan with a nine-month term to enable an investor to purchase a home, renovate it, and re-sell it before the term expires.

[37] 80 FR 66168.

expressly stated in the Final Rule that the commentary to § 1003.3(c)(3) ''will help to ensure reporting of short-term transactions that function as permanent financing (*e.g.,* a loan with a nine-month term to enable an investor to purchase a home, renovate, and re-sell it before the term expires).'' [38] The Bureau also explained in the Final Rule that it is important for HMDA purposes to know how often and under what circumstances financing is granted to investors to purchase a dwelling and sell it for occupancy before the term of the loan expires.[39]

In contrast to construction-only loans or lines of credit to construct a dwelling for sale, the Bureau believes these short-term home improvement or home purchase loans may pose particular risks to communities and to consumers. The Bureau believes that reporting such loans will provide information to help public officials and public interest organizations identify risks to consumers and to local markets and enable them to target programs to assist vulnerable consumers. For example, with the information reported from these loans, public officials may identify the property value relied on for a loan to an investor to purchase a home, renovate it, and re-sell it as compared to the property value relied on for a buyer's permanent financing obtained to purchase that home. The Bureau believes such information would provide significant value for HMDA's purposes. Accordingly, the Bureau continues to believe that the guidance provided in comment 3(c)(3)–1, taken together with the proposed clarifications, will effectively serve HMDA's purposes. At the same time, for the reasons explained above, the Bureau believes it is appropriate to clarify its intent to classify construction-only loans or lines of credit to a person exclusively to construct a dwelling for sale as temporary financing, even where such loans or lines of credit are not designed to be replaced by separate permanent financing to the same borrower.

The Bureau proposes to add new comment 3(c)(3)–2 to clarify that a construction-only loan or line of credit is considered temporary financing and excluded under § 1003.3(c)(3) if the loan or line of credit is extended to a person exclusively to construct a dwelling for sale. Proposed comment 3(c)(3)–2 would include a cross-reference to comment 3(c)(3)–1.ii through .iv for examples of the reporting requirement for construction loans that are not extended to a person exclusively to construct a dwelling for sale. The Bureau solicits comment on the proposed clarifications.

3(c)(10)

Regulation C currently covers closed-end, commercial-purpose loans made to purchase, refinance, or improve a dwelling. The Final Rule adopted § 1003.3(c)(10) to provide that loans and lines of credit made primarily for a commercial or business purpose are excluded transactions unless they are for the purpose of home purchase under § 1003.2(j), home improvement under § 1003.2(i), or refinancing under § 1003.2(p). The commentary to § 1003.3(c)(10) explains the general rule, clarifies that § 1003.3(c)(10) does not exclude all dwelling-secured business- or commercial-purpose loans or lines of credit from coverage, explains how financial institutions should determine whether a transaction primarily is for a commercial or business purpose, and provides illustrative examples. As discussed in the section-by-section analysis of § 1003.2(i) above, the Bureau is concerned that there may be uncertainty regarding when a closed-end mortgage loan or open-end line of credit made primarily for a business or commercial purpose is a reportable home improvement loan under § 1003.2(i) and, thus, not excluded from reporting under § 1003.3(c)(10). For the reasons set forth in the section-by-section analysis of § 1003.2(i), the Bureau proposes to amend the example in comment 3(c)(10)–3.ii to clarify that its guidance applies in the case of a dwelling other than a multifamily dwelling and to provide an additional illustration.

Proposed comment 3(c)(10)–3.ii would illustrate that a closed-end mortgage loan or an open-end line of credit to improve a doctor's office or a daycare center that is located in a dwelling other than a multifamily dwelling is not excluded from reporting under § 1003.3(c)(10). A closed-end mortgage loan or open-end line of credit to improve a dwelling other than a multifamily dwelling, even if primarily for a business or commercial purpose, would be a home improvement loan under § 1003.2(i) and would not be excluded under § 1003.3(c)(10). The Bureau believes the proposed amendment to comment 3(c)(10)–3.ii would clarify that non-multifamily dwellings are not ''mixed-use property'' as described in comment 2(i)–4, even if they contain an office or other commercial space. To improve clarity, the Bureau also proposes minor changes to comment 3(c)(10)–3 to add the word ''although'' and remove the word ''but.'' The Bureau solicits comment on the proposed clarifications.

3(c)(11)

HMDA extends reporting responsibilities to banks, savings associations, credit unions and other lending institutions (defined as any person engaged for profit in the business of mortgage lending other than a bank, savings association, or credit union) that satisfy certain requirements concerning location, asset size, and lending activity.[40] Current Regulation C requires institutions that meet the definition of financial institution to collect and report HMDA data. HMDA and current Regulation C establish different coverage criteria for depository institutions than for nondepository institutions.[41] For several reasons,[42] the 2015 HMDA Final Rule made changes to Regulation C's institutional coverage and adopted uniform loan-volume thresholds for depository and nondepository institutions.

Section 1003.2(g) as adopted by the Final Rule provides loan-volume thresholds, for closed-end mortgage loans and open-end lines of credit, for Regulation C's coverage of financial institutions. The threshold for closed-end mortgage loans is 25 loans originated in each of the two preceding calendar years. Section 1003.3(c)(11) as adopted by the Final Rule provides a complementary exclusion for loans below the threshold, providing that a closed-end mortgage loan is an excluded transaction if a financial institution originated fewer than 25 closed-end mortgage loans in each of the two preceding calendar years. The use of the word ''each'' in § 1003.3(c)(11) is a drafting error.

If the exclusion is to mirror the loan-volume threshold for financial institutions in § 1003.2(g) and exclude transactions when that threshold is not met, § 1003.3(c)(11) should provide that a closed-end mortgage loan is an excluded transaction if a financial institution originated fewer than 25 closed-end mortgage loans in ''either'' of

[38] *Id.*

[39] *Id.*

[40] *See generally* 12 U.S.C. 2802(3) (defining depository institution, which includes other lending institutions), 2803(a) (establishing location test), 2808 (defining asset-size test).

[41] *Id.;* Regulation C § 1003.2 (definition of financial institution).

[42] *See* 80 FR 66128, 66146 (Oct. 28, 2015).

the two preceding calendar years.[43] Therefore, the Bureau proposes to amend § 1003.3(c)(11) and comment 3(c)(11)–1. The Bureau proposes to replace the word ''each'' with ''either'' to clarify how a financial institution applies the exclusion. The Bureau requests comment on this amendment.

The Bureau is also making a technical clarification to the example in comment 3(c)(11)–1 to better describe the reporting requirements for financial institutions whose origination totals for the prior two years are above the threshold. The clarification makes clear that the financial institution must report purchased loans, as well as originated loans and applications, as required by § 1003.4(a) and § 1003.5(a). The Bureau requests comment on this clarification.

Although the Final Rule did not specifically state that voluntary reporting of the loans excluded by § 1003.3(c)(11) is allowed, comment 3(c)(11)–1 states that a financial institution that is below the 25-mortgage loan threshold ''need not'' report such loans, suggesting that it might choose to report them. The Bureau proposes to clarify further that it interprets the exclusion in § 1003.3(c)(11), providing that the requirements of part 1003 do not apply to a closed-end mortgage loan if the financial institution originated fewer than 25 closed-end mortgage loans in either of the two preceding calendar years, to permit a financial institution to report closed-end mortgage loans and applications for closed-end mortgage loans voluntarily. The Bureau also believes the inclusion of these loans in the HMDA data would be appropriate if an institution chooses to do so voluntarily because the loans would be required to be reported if the institution originated more of this type of loan. As discussed further below, the Bureau proposes to interpret § 1003.3(c)(12) similarly.

The Bureau believes that the exclusion in § 1003.3(c)(11) (and, as discussed below, in § 1003.3(c)(12)), differs from the exclusions in § 1003.3(c)(1)–(10) and the new (13) because the applicability of the (c)(11) exclusion is not intrinsic to the loan. Whether the loan is excluded can be determined only by reference to the financial institution's origination activity over two years. The Bureau believes that financial institutions that choose to report voluntarily, particularly when the institution's total of closed-end mortgage loans may fluctuate above or below the threshold, may reduce their regulatory burden. The Bureau proposes to clarify in proposed comment 3(c)(11)–2 that a financial institution voluntarily may report closed-end mortgage loans and applications for closed-end mortgage loans that are excluded transactions because the financial institution originated fewer than 25 closed-end mortgage loans in either of the two preceding calendar years. The Bureau solicits comment on the proposed comment. The Bureau also solicits comment on whether it should instead clarify that a financial institution voluntarily may report closed-end mortgage loans and applications for closed-end mortgage loans that are excluded transactions because the financial institution originated fewer than 25 closed-end mortgage loans in either of the two preceding calendar years in the regulation text instead of the commentary. In addition, the Bureau solicits comment on adding specific language stating that financial institutions that choose to report such transactions voluntarily must report all such transactions.

3(c)(12)

As explained above in the discussion of § 1003.3(c)(11), § 1003.2(g) as adopted by the Final Rule provides loan-volume thresholds, for closed-end mortgage loans and open-end lines of credit, for Regulation C's institutional coverage. The threshold for open-end lines of credit is 100 loans originated in each of the two preceding calendar years. Section 1003.3(c)(12) as adopted by the Final Rule provides a complementary exclusion for loans below the threshold, providing that an open-end line of credit is an excluded transaction if a financial institution originated fewer than 100 open-end lines of credit in each of the two preceding calendar years. The use of the word ''each'' in § 1003.3(c)(12) is a drafting error.

For the same reason as described above in the discussion of § 1003.3(c)(11), the Bureau proposes to amend § 1003.3(c)(12) and comment 3(c)(12)–1 as adopted by the Final Rule. If the exclusion is to mirror the loan-volume threshold for financial institutions in § 1003.2(g) and exclude transactions when that threshold is not met, § 1003.3(c)(12) should provide that an open-end line of credit is an excluded transaction if a financial institution originated fewer than 100 open-end lines of credit in ''either'' of the two preceding calendar years.[44] The Bureau proposes to replace the word ''each'' with ''either'' to clarify how the exclusion applies. The Bureau requests comment on this amendment.

The Bureau is also making a technical clarification to the example in comment 3(c)(12)–1 as adopted by the Final Rule to better describe the reporting requirements for financial institutions whose origination totals for the prior two years exceed the threshold. The clarification makes clear that the financial institution must report purchased loans, as well as originated loans and applications, as required by §§ 1003.4(a) and 1003.5(a). The Bureau requests comment on this clarification.

Although the Final Rule did not state specifically that voluntary reporting of the loans excluded by § 1003.3(c)(12) is allowed, comment 3(c)(12)–1 states that a financial institution that is below the 100 open-end line of credit threshold ''need not'' report such loans, suggesting that it might choose to report them. The Bureau proposes to clarify further that it interprets the exclusion in § 1003.3(c)(12), providing that the requirements of part 1003 do not apply to an open-end line of credit if the financial institution originated fewer than 100 open-end lines of credit in either of the two preceding calendar years, to permit a financial institution to report open-end lines of credit and applications for open-end lines of credit. The Bureau also believes the inclusion of these loans in the HMDA data would be appropriate if an institution chooses to do so voluntarily because the loans would be required to be reported if the institution originated more of this type of loan. As explained above, the Bureau proposes to interpret § 1003.3(c)(11) similarly.

As with the exclusion in § 1003.3(c)(11), the Bureau believes that the exclusion in § 1003.3(c)(12) differs from the exclusions in § 1003.3(c)(1)–(10) and the new (13) because the applicability of the (c)(12) exclusion is not intrinsic to the loan. Whether the loan is excluded can be determined only by reference to the financial institution's origination activity over two years. The Bureau believes that financial institutions that choose to report voluntarily, particularly when the institution's total of open-end lines of credit may fluctuate above or below the threshold, may reduce their regulatory burden. The Bureau proposes to clarify in proposed comment 3(c)(12)–2 that a

[43] The preamble to the Final Rule reflected this intent: ''The institutional and transactional coverage thresholds are designed to operate in tandem. Under these thresholds, a financial institution will report closed-end mortgage loans only if it satisfies the closed-end mortgage threshold and will report open-end lines of credit only if it satisfies the separate open-end credit threshold.'' Home Mortgage Disclosure (Regulation C), 80 FR 66128, 66149 (Oct. 15, 2015).

[44] The preamble to the 2015 rule reflected this intent: ''The institutional and transactional coverage thresholds are designed to operate in tandem. Under these thresholds, a financial institution will report closed-end mortgage loans only if it satisfies the closed-end mortgage threshold and will report open-end lines of credit only if it satisfies the separate open-end credit threshold.'' Home Mortgage Disclosure (Regulation C), 80 FR 66128, 66149 (Oct. 15, 2015).

financial institution voluntarily may report open-end lines of credit and applications for open-end lines of credit that are excluded transactions because the financial institution originated fewer than 100 open-end lines of credit in either of the two preceding calendar years.

The Bureau solicits comment on the proposed comment. The Bureau also solicits comment on whether it should instead clarify that a financial institution voluntarily may report open-end lines of credit and applications for open-end lines of credit that are excluded transactions because the financial institution originated fewer than 100 open-end lines of credit in either of the two preceding calendar years in the regulation text instead of the commentary. In addition, the Bureau solicits comment on adding specific language stating that financial institutions that voluntarily choose to report such transactions must report all such transactions.

3(c)(13)

Comment 2(d)–2.ii as adopted by the Final Rule provided a narrow exception to Regulation C's general rule that an ''extension of credit'' occurs only when a new debt obligation is created.[45] The exception covers transactions completed pursuant to a New York State consolidation, extension, and modification agreement and classified as a supplemental mortgage under New York Tax Law section 255, such that the borrower owes reduced or no mortgage recording taxes (New York CEMAs). New York CEMAs are loans secured by dwellings located in New York. They generally are used in place of traditional refinancings, either to amend a transaction's interest rate or loan term, or to permit a borrower to take cash out. However, unlike a traditional refinancing, the existing debt obligation is not ''satisfied and replaced.'' Instead, the existing obligation or obligations are consolidated into a new loan, either by the same or a different lender, and either with or without new funds being added to the existing loan balance through a preliminary credit transaction that becomes part of the consolidation. Under New York State law, if no new money is added in a preliminary transaction before the consolidation, there is no ''new'' mortgage, and the borrower avoids paying the mortgage recording taxes that would have been imposed if a traditional refinancing had been used and the original obligation had been satisfied and replaced. If new money is added through a preliminary transaction and becomes part of the consolidated loan, the borrower pays mortgage recording taxes only on the new money.[46] While generally used in place of traditional refinancings, New York CEMAs also can be used for home purchases (*i.e.,* to complete an assumption), where the seller and buyer agree that the buyer will assume the seller's outstanding principal balance, and that balance is consolidated with a new loan to the borrower for the remainder of the purchase price.

In treating New York CEMAs as extensions of credit, the Final Rule departed from prior guidance from the Board that CEMAs, which modify and consolidate existing debt while generally extending the loan term, were not covered transactions because they did not meet the definition of a refinancing.[47] Comment 2(d)–2.ii, as adopted by the Final Rule, explains that a financial institution must report New York CEMAs if they are otherwise covered transactions. To facilitate the reporting of New York CEMAs, the Bureau proposes an exclusion from reporting for preliminary transactions that provide new funds that are then consolidated into New York CEMAs, as explained above. HMDA section 305(a) authorizes the Bureau to prescribe such regulations as may be necessary to carry out HMDA's purposes.[48] These regulations may include ''classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Bureau are necessary and proper to effectuate the purposes of [HMDA], and prevent circumvention or evasion thereof, or to facilitate compliance therewith.''[49] As described below, the new exception would effectuate the purposes of HMDA and facilitate compliance by eliminating double reporting in these transactions.

The Bureau explained in the Final Rule preamble that New York CEMAs are to be reported because the Bureau believed that they present a situation where a new debt obligation is created in substance, if not in form, and that the benefits of requiring such transactions to be reported justify the burdens.[50] Such transactions are relatively common in New York, and the Bureau believed that reporting of New York CEMAs would provide useful information about this segment of the market. The provision interpreting ''extension of credit'' to include New York CEMAs in comment 2(d)–2.ii as adopted by the Final Rule was meant to clarify the reporting requirements regarding New York CEMAs.

The Bureau has become aware of the need to further clarify reporting requirements regarding transactions associated with New York CEMAs. As explained above, a borrower may enter into a CEMA that consolidates both the prior debt and new funds. The new funds are added through a preliminary credit transaction in which the borrower obtains an extension of credit providing only the new funds. Then, the CEMA consolidates the new-funds transaction with the original mortgage loan into a single loan. Because the initial transaction is an extension of credit, it is reportable under revised Regulation C if it is otherwise a covered loan. In regard to New York CEMAs, this could lead to double reporting of the new funds, once through reporting of the preliminary transaction, and again through reporting of the full New York CEMA, which includes the new funds. The Bureau believes that such an outcome would elevate the form of the transaction over the substance of the resulting consumer indebtedness and could present challenges in interpreting the reported data. Therefore, the Bureau believes it is appropriate to require that only the New York CEMA, *i.e.,* the single, consolidated loan that results after both sequential transactions are completed, be reported. Insofar as a New York CEMA is the functional equivalent of a refinancing achieved by other means purely for tax reasons, a New York CEMA that consolidates a preliminary extension of new funds is generally the functional equivalent of a refinancing with new funds extended, *i.e.,* a ''cash-out'' refinancing, which is clearly a single transaction and thus is reported as such.

To achieve this outcome, the Bureau proposes, in § 1003.3(c)(13), that any transaction providing or, in the case of an application, proposing to provide new funds in advance of a consolidation as part of a New York CEMA be an

[45] In the Final Rule, the Bureau adopted § 1003.2(d) to provide that a ''closed-end mortgage loan'' is a dwelling-secured ''extension of credit'' that is not an open-end line of credit. Comment 2(d)–2 explains that, for purposes of Regulation C, an ''extension of credit'' refers to the granting of credit pursuant to a new debt obligation. If a transaction modifies, renews, extends, or amends the terms of an existing debt obligation without satisfying and replacing the original debt obligation with a new debt obligation, the transaction generally is not an extension of credit under revised Regulation C. In addition, comment 2(d)–2.i provided another exception, for assumptions, which Regulation C historically has covered. The Bureau is not proposing any change to the assumptions exception.

[46] *See* N.Y. Tax Law 255 (Consol. 2015).

[47] *See* 80 FR 66128, 66142 (Oct. 28, 2015).

[48] 12 U.S.C. 2804(a).

[49] *Id.*

[50] 80 FR 66128, 66143 (Oct. 28, 2015).

excluded transaction. The exception further provides that the transaction is excluded only if final action on the consolidation was taken in the same calendar year as final action on the new funds. The Bureau believes that this exclusion would clarify and simplify reporting of New York CEMAs, eliminating double reporting and facilitating compliance for financial institutions that provide New York CEMAs. The proposal does not change the exception in comment 2(d)–2.ii that requires New York CEMAs to be reported as extensions of credit.

The Bureau also proposes new comment 3(c)(13)–1 explaining use of the new § 1003.3(c)(13) exclusion. Following the language in the regulation, proposed comment 3(c)(13)–1 would clarify that the exclusion does not apply to a transaction that is consolidated in a New York CEMA if the final action on the consolidation has not been completed prior to the end of the calendar year in which final action on the preliminary transaction occurred. The consolidation into the CEMA is what qualifies the prior transaction to be an excluded transaction, thus final action on that consolidation must occur within the relevant final reporting period.

Consolidation transactions similar to New York CEMAs occur in States other than New York, although the Bureau believes they are far less common.[51] Non-New York CEMAs may be called CEMAs or MECAs (modification, extension and consolidation agreements). In the Final Rule, the Bureau limited the reporting requirement in comment 2(d)–2.ii to New York CEMAs. As with New York CEMAs, similar transactions in other States may involve preliminary transactions the proceeds of which become part of the consolidation. In addition to the interpretation discussed above, proposed comment 3(c)(13)–1 would explain that the exclusion for preliminary transactions consolidated into New York CEMAs would not apply to similar preliminary transactions that are consolidated pursuant to the law of States other than New York, providing an example. The comment would also explain that if such a preliminary transaction providing new funds is a covered loan, it must be reported. In addition, the comment would also state that if the associated consolidation and modification agreement is carried out pursuant to the law of a state other than New York and is not an extension of credit under Regulation C, it may not be reported.

The Bureau requests comment on the proposed exclusion and comment, including whether clarification of the exclusion in relation to quarterly reporting would be helpful.

Section 1003.4 Compilation of Reportable Data

4(a) Data Format and Itemization

4(a)(1)

4(a)(1)(i)

HMDA section 304(b)(6)(G), as amended by Dodd-Frank Act section 1094(3)(A)(iv), authorizes the Bureau to require a universal loan identifier, as it may determine to be appropriate.[52] Currently, § 1003.4(a)(1) requires financial institutions to report an identifying number for each covered loan or application reported. As adopted by the Final Rule, § 1003.4(a)(1)(i) requires financial institutions to provide a universal loan identifier (ULI) for each covered loan or application reported. Section 1003.4(a)(1)(i) and its associated commentary also address ULI requirements for purchased covered loans and applications that are reconsidered or reinstated during the same calendar year. In addition, the Final Rule requires a check digit as part of the ULI.[53] The check digit is meant to enable financial institutions to identify and correct errors in the ULI, which would ensure a valid ULI, and therefore enhance data quality. As part of the Final Rule, the Bureau published new appendix C that includes the methodology for generating a check digit and instructions on how to validate a ULI using the check digit. As described below, the Bureau proposes certain amendments to appendix C and to the commentary to § 1003.4(a)(1)(i) to make certain non-substantive changes.

The Bureau has become aware of a typographical error that occurs twice in appendix C and makes one method of computation of the check digit inaccurate. The Bureau proposes to correct the typographical error. Step 3 of the method for computing the check digit has two alternatives. Appendix C mistakenly provides that the second of the alternatives requires multiplication by .97 when the needed operation requires multiplication by 97 for the result to be accurate. The same typographical error occurs in Step 3 of the example based on this alternative method. The computation result presented in the example, 59.946, can be reached only by multiplying by 97, not .97. The Bureau proposes to revise appendix C by substituting 97 for .97 from the relevant instructions in appendix C.

In addition, the Bureau proposes certain amendments to the commentary to § 1003.4(a)(1)(i) adopted by the Final Rule to reflect the different effective dates for data reporting requirements adopted by the Final Rule and to make certain non-substantive clarifications. Comments 4(a)(1)(i)–3 and –4, effective January 1, 2018, provide guidance for the reporting of the ULI for purchased covered loans and reinstated or reconsidered applications, respectively. Comment 4(a)(1)(i)–3 includes an illustrative example that references § 1003.5(a)(1)(i) and (ii). Comment 4(a)(1)(i)–3 also includes, in relevant part, a statement regarding a financial institution's submission of its loan/application register pursuant to § 1003.5(a)(1)(i) or (ii), whichever is applicable. Comment 4(a)(1)(i)–4 includes two illustrative examples that reference § 1003.5(a)(1)(ii) and provide guidance regarding how a financial institution complies with the ULI reporting requirement with regard to its quarterly data submission. However, § 1003.5(a)(1)(i), adopted by the Final Rule to set forth revised requirements for a financial institution's submission of its annual loan/application register, has an effective date of January 1, 2019. Additionally, § 1003.5(a)(1)(ii), adopted by the Final Rule to set forth new requirements for certain financial institutions to submit a quarterly loan/application register, has an effective date of January 1, 2020.

Because § 1003.5(a)(1)(i) and (ii) will not yet be effective on January 1, 2018, when § 1003.4(a)(1)(i) and its commentary take effect, the Bureau proposes to amend comments 4(a)(1)(i)–3 and –4 to remove the references to these paragraphs. Specifically, the Bureau proposes to amend comment 4(a)(1)(i)–3 to remove the illustrative example that discusses § 1003.5(a)(1)(i) and (ii), and to replace the statement regarding § 1003.5(a)(1)(i) or (ii), whichever is applicable, with a reference to current § 1003.5(a)(1). The Bureau also proposes minor clarifications to the first sentence of comment 4(a)(1)(i)–3 to explain that if a financial institution previously has assigned a covered loan with a ULI or reported a covered loan with a ULI under Regulation C, a financial institution that purchases that covered loan must report the same ULI that previously was assigned or reported. Additionally, the Bureau proposes to add language to comment 4(a)(1)(i)–3 to illustrate a situation where a covered

[51] 80 FR 66128, 66143 (Oct. 28, 2015), n. 113.

[52] 12 U.S.C. 2803(b)(6)(G).

[53] 12 CFR 1003.4(a)(1)(i)(C).

loan was not assigned a ULI by the financial institution that originated the loan because, for example, the loan was originated prior to January 1, 2018 or that financial institution was not required to report under Regulation C.

Similarly, the Bureau proposes to amend comment 4(a)(1)(i)–4 to remove the references to § 1003.5(a)(1)(ii) in the comment's illustrative examples and to discuss in the examples a financial institution's annual data submission under current § 1003.5(a)(1) rather than its quarterly submission under § 1003.5(a)(1)(ii). The Bureau proposes to remove the first sentence of comment 4(a)(1)(i)–4 regarding a financial institution using a ULI previously reported during the same calendar year, as such a situation would arise only where a financial institution makes a quarterly submission. The Bureau also proposes to amend comment 4(a)(1)(i)–4 to refer to an ''origination'' rather than an ''approved application,'' and make other minor, non-substantive changes to improve clarity and remove unnecessary language.

Additionally, the Bureau proposes to amend comments 4(a)(1)(i)–3 and –4 effective January 1, 2020, to re-incorporate the language of these comments as originally adopted, for the most part, in the Final Rule. As discussed above, § 1003.5(a)(1)(i) and (ii) will be effective on January 1, 2019, and January 1, 2020, respectively. The Bureau believes it would be appropriate for comments 4(a)(1)(i)–3 and –4 to reference these paragraphs once they become effective. Therefore, effective January 1, 2020, proposed comments 4(a)(1)(i)–3 and –4 would include the references and explanations regarding a financial institution's annual submission pursuant to § 1003.5(a)(1)(i) and a financial institution's quarterly submission pursuant to § 1003.5(a)(1)(ii), as adopted by the Final Rule. The proposal would generally retain the clarifications to comments 4(a)(1)(i)–3 and –4 that the Bureau proposes to adopt effective January 1, 2018, but would remove the proposed reference to the annual loan/application register submitted pursuant to current § 1003.5(a)(1). Additionally, the proposal would include certain additional non-substantive clarifications to the illustrative examples in comment 4(a)(1)(i)–3.

The Bureau solicits comment on the proposed amendments to appendix C and to the commentary.

4(a)(2)

HMDA section 304(b)(1) requires financial institutions to report ''the number and dollar amount of mortgage loans which are insured under Title II of the National Housing Act or under Title V of the Housing Act of 1949 or which are guaranteed under chapter 37 of Title 38.'' Current § 1003.4(a)(2) implements this requirement by requiring financial institutions to report the type of loan or application. In the Final Rule, the Bureau revised § 1003.4(a)(2) to require financial institutions to report whether the covered loan is, or in the case of an application would have been, insured by the Federal Housing Administration, guaranteed by the Veterans Administration, or guaranteed by the Rural Housing Service or the Farm Service Agency. The Bureau adopted new comment 4(a)(2)–1 to provide further guidance. In finalizing revisions to § 1003.4(a)(2), however, the Bureau included a legacy reference to the Veterans Administration rather than to the Department of Veterans Affairs, which is the government agency that guarantees mortgage loans under chapter 37 of Title 38. To correct this oversight, the Bureau proposes to substitute ''Department of Veterans Affairs'' for ''Veterans Administration'' in § 1003.4(a)(2) and comment 4(a)(2)–1. The Bureau seeks comment on this proposed amendment.

4(a)(3)

Current § 1003.4(a)(3) requires financial institutions to report the purpose of a covered loan or application using the categories home purchase, home improvement, or refinancing. The Bureau revised § 1003.4(a)(3) in the Final Rule to add an ''other'' category, a cash-out refinancing category, and to make changes to the commentary to implement these additional categories and provide instructions for reporting covered loans with multiple purposes. The Bureau proposes to add proposed comment 4(a)(3)–6 to clarify the reporting requirements under revised § 1003.4(a)(3) for purchased covered loans originated prior to January 1, 2018.

In light of the new loan purpose categories that differentiate cash-out refinancings from refinancings generally and the revised guidance on reporting covered loans with multiple purposes, the Bureau believes that, for purchased covered loans originated prior to January 1, 2018, the effective date of the revised reporting requirements in § 1003.4(a)(3), determining the reportable loan purpose as required under the Final Rule may present significant challenges. For example, the Bureau understands that under the Final Rule, the purchaser of such loans could need to conduct individual reviews of each loan file to determine whether a loan is a refinancing or a cash-out refinancing under revised § 1003.4(a)(3). The Bureau does not intend to impose such a burden on financial institutions that purchase loans originated prior to January 1, 2018. To facilitate compliance with the new reporting requirements in revised § 1003.4(a)(3), the Bureau proposes to add new comment 4(a)(3)–6 to provide that for purchased covered loans where the origination took place prior to January 1, 2018, a financial institution complies with § 1003.4(a)(3) by reporting that the requirement is not applicable. The Bureau solicits comment on this proposed amendment.

4(a)(8)

4(a)(8)(i)

Revised § 1003.4(a)(8)(i) requires financial institutions to report the action taken on covered loans and applications. Current comment 4(a)(8)–1 explains how to report the action taken when a financial institution makes a counteroffer to lend on terms different from the applicant's initial request and the applicant does not accept the counteroffer or fails to respond, and comment 4(a)(8)(i)–9 as adopted by the Final Rule reiterates the explanation with no substantive change. Current comment 4(a)(8)–4 explains how to report the action taken when a financial institution provides a conditional approval on the application for a covered loan. Comment 4(a)(8)(i)–13 as adopted by the Final Rule expanded the guidance of current comment 4(a)(8)–4, addressing many more scenarios in which a conditional approval occurs. The Bureau proposes to clarify the guidance on reporting action taken for counteroffers and its relation to the guidance on reporting action taken on conditional approvals.

The Bureau recognizes that revised comments 4(a)(8)(i)–9 and 4(a)(8)(i)–13 may be read as in tension regarding how to report the action taken on an application for which a counteroffer is made, the applicant expresses interest in the new terms, and the financial institution provides a conditional approval to which the applicant does not respond or which otherwise does not result in an originated loan. Comment 4(a)(8)(i)–9 can be read to require the financial institution to report the action taken as a denial on the original loan terms applied for, while comment 4(a)(8)(i)–13 can be read to require the action taken to be reported as a denial, file closed for incompleteness, approved but not accepted, or application withdrawn,

depending on the circumstances. In addition, limiting the reportable actions taken for counteroffers to only covered loan originated or application denied may lead to less complete and accurate reporting.

In addressing inquiries raising this concern, the Bureau has provided informal guidance that a financial institution should follow comment 4(a)(8)(i)–13 when an application for which a counteroffer is made is followed by a conditional approval that does not result in an originated loan. In accordance with this informal guidance, and to address the need to provide a full range of options in reporting the action taken on an application when there is a counteroffer, the Bureau proposes to amend the language of comment 4(a)(8)(i)–9 to broaden the possible actions taken that may be reported by clarifying that if the applicant agrees to proceed with consideration of the financial institution's counteroffer, the counteroffer takes the place of the prior application, and the financial institution reports the action taken on the application under the terms of the counteroffer. In addition, the Bureau proposes to illustrate this interpretation by providing an example in comment 4(a)(8)(i)–9. The example would clarify that if a financial institution makes a counteroffer and the applicant agrees to proceed with consideration of the counteroffer, and the financial institution sends a conditional approval letter stating the terms of the counteroffer, the financial institution reports the action taken on the application in accordance with comment 4(a)(8)(i)–13 regarding conditional approvals. The Bureau solicits comment on the amended language and new example.

In addition, the Bureau proposes a technical correction to comment 4(a)(8)(i)–6, as adopted by the Final Rule, correcting a citation that was intended to reference Regulation B, 12 CFR 1002.9(c)(1)(i). The citation reads, ''12 CFR 1002.9(c)(i).'' This proposal would correct the typographical error by inserting the ''(1)'' paragraph designation missing from the citation.

4(a)(9)

4(a)(9)(i)

Section 1003.4(a)(9)(i) as adopted by the Final Rule requires financial institutions to report the property address of the property securing the covered loan or, in the case of an application, proposed to secure the covered loan.[54] Comment 4(a)(9)(i)–3 as adopted by the Final Rule explains that this requirement is not applicable if the address of the property securing the covered loan is not known and provides an example. The Bureau proposes certain non-substantive amendments to comment 4(a)(9)(i)–3 to replace ''indicate'' with ''reports'' for consistency with other comments providing similar guidance and solicits comment on the proposed revisions.

4(a)(9)(ii)

Current § 1003.4(a)(9) and § 1003.4(a)(9)(ii), as adopted by the Final Rule, both require financial institutions to report certain information for certain transactions about the location of the property related to the covered loan or application, including the State, county, and census tract.[55] For the reasons set forth below, the Bureau proposes amendments to the commentary to § 1003.4(a)(9)(ii)(A) through (C) to provide guidance on what a financial institution should report if it has incomplete information about the location of the property when reporting an application.

A financial institution may have incomplete information about the location of a property when it takes final action on an application in certain situations. For example, an applicant may not identify a specific property or census tract, but may provide the financial institution with only the State and county where the applicant intends to purchase a home before the financial institution denies the application.

The Bureau proposes new comments 4(a)(9)(ii)(A)–1, 4(a)(9)(ii)(B)–2, and 4(a)(9)(ii)(C)–2 to clarify that the financial institution reports that the property-location requirement, as applicable, is not applicable when reporting an application if the State, county, or census tract, respectively, is not known before the application was denied, withdrawn, or closed for incompleteness. The Bureau solicits comment on these proposed new comments.

4(a)(10)

4(a)(10)(ii)

Section 1003.4(a)(10)(ii) as adopted by the Final Rule requires that a financial institution report the age of the applicant or borrower. Comment 4(a)(10)(ii)–3, as adopted by the Final Rule, contains a drafting error in providing guidance on treatment of purchased loans that refers to reporting income rather than age. The Bureau proposes to correct the drafting error in comment 4(a)(10)(ii)–3 by replacing the term ''income'' with ''age'' to make clear that a financial institution complies with § 1003.4(a)(10)(ii) by reporting that the requirement is not applicable when reporting a purchased loan for which the institution chooses not to report the age of the applicant or borrower. The Bureau solicits comment on this proposed correction.

4(a)(10)(iii)

HMDA section 304(b)(4) requires the reporting of income level for borrowers and applicants. Section 1003.4(a)(10) of the current rule requires a financial institution to report the gross annual income relied on in processing an application. The Final Rule amended that requirement, requiring in § 1003.4(a)(10)(iii) that a financial institution report the gross annual income relied on in making the credit decision or processing the application if a credit decision was not made.[56] Comment 4(a)(10)(iii)–4 adopted by the Final Rule explains that a financial institution does not include as income amounts considered in making a credit decision based on factors that an institution relies on in addition to income, such as amounts derived from annuitization or depletion of an applicant's remaining assets.

The Bureau has become aware of uncertainty among financial institutions regarding how to determine which amounts are derived from annuitization or depletion of an applicant's remaining assets. The use of the modifier ''remaining'' in regard to the assets referred to was meant to refer to assets that are not in actual distribution, but are remaining. In addition, the word ''derived'' was meant to refer to the underwriting method by which hypothetical (not actual) distributions are calculated from the amounts of the remaining assets.

[54] *See* HMDA section 304(b)(6)(H), 12 U.S.C. 2803(b)(6)(H).

[55] *See* § 1003.4(a)(9); 12 U.S.C. 2803(a)(2)(A). Section 1003.4(a)(9) requires reporting of property location information if the property securing the covered loan or in the case of an application proposed to secure the covered loan is located in a MSA or Metropolitan Division(MD) in which the financial institution has a home or branch office. In addition, § 1003.4(e) requires banks and savings associations that are required to report data on small business, small farm, and community development lending under regulations that implement the Community Reinvestment Act to collect the location of property located outside MSAs and MDs in which the institution has a home or branch office or outside of any MSA.

[56] Section 1003.4(a)(10)(iii) also excluded from the reporting of this data point covered loans and applications for which the credit decision did not consider or would not have considered income. See the commentary to § 1003.4(a)(10)(iii) for more information and descriptions of different situations in which the income reporting requirement is not applicable.

The Bureau proposes to clarify in comment 4(a)(10)(iii)–4 that a financial institution does not include as income amounts considered in making a credit decision based on factors that an institution relies on in addition to income, such as amounts derived from underwriting calculations of the potential annuitization or depletion of an applicant's remaining assets. Actual distributions from retirement accounts or other assets that are relied on by the financial institution as income should be reported as income. Because the determination of what to exclude depends on the underwriting method the financial institution applies in making the credit decision, the proposed clarification should facilitate implementation of the Final Rule.[57] In addition, to avoid confusion and facilitate compliance, the Bureau proposes to add language clarifying that the comment's interpretation of income does not apply to § 1003.4(a)(23) as adopted in the Final Rule, which requires, except for purchased covered loans, the collection of the ratio of the applicant's or borrower's total monthly debt to the total monthly income relied on in making the credit decision. The Bureau solicits comment on proposed revisions to the commentary.

4(a)(12)

HMDA section 304(b)(5)(B) requires financial institutions to report mortgage loan information, grouped according to measurements of ''the difference between the annual percentage rate associated with the loan and a benchmark rate or rates for all loans.'' [58] Current § 1003.4(a)(12)(i) requires financial institutions to report, for originated loans subject to Regulation Z, 12 CFR part 1026, the difference between a loan's annual percentage rate (APR) and the average prime offer rate (APOR) for a comparable transaction, as of the date the interest rate is set, if the difference equals or exceeds 1.5 percentage points for first-lien loans, or 3.5 percentage points for subordinate-lien loans. Current § 1003.4(a)(12)(ii) explains that the APOR is an annual percentage rate that is derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage loans that have low-risk pricing characteristics. Section 1003.4(a)(12)(ii) further explains that the Bureau publishes APORs for a broad range of types of transactions in tables updated at least weekly, as well as the methodology the Bureau uses to derive these rates. As revised by the Final Rule, § 1003.4(a)(12)(i) requires financial institutions to report, for covered loans subject to Regulation Z, 12 CFR part 1026, other than assumptions, purchased covered loans, and reverse mortgages, the difference between the covered loan's APR and APOR for a comparable transaction as of the date the interest rate is set. In other words, the Final Rule requires that rate spread be reported for most covered loans subject to Regulation Z, 12 CFR part 1026, and not just certain loans that are considered higher-priced. For the reasons set forth below, the Bureau proposes certain amendments to § 1003.4(a)(12)(ii) and to the § 1003.4(a)(12) commentary adopted by the Final Rule and proposes new comment 4(a)(12)–9 to address reporting requirements when corrected disclosures are provided.

Average Prime Offer Rate (APOR)

The Bureau calculates APORs on a weekly basis according to a methodology statement that is available to the public and then posts the APORs on the FFIEC Web site. To calculate APORs, survey data on four mortgage products are used and posted on the FFIEC Web site weekly: 30-year fixed rate mortgage, 15-year fixed rate mortgage, five-year variable rate mortgage, and one-year variable rate mortgage. Currently, the FFIEC Web site provides both the methodology for calculating APORs and a description of the survey data used to calculate them. However, recent changes in the marketplace have altered several times the source of the survey data for the one-year variable rate mortgage product that the Bureau uses to calculate weekly APORs.[59] To streamline how the Bureau provides notice of the sources of survey data, the Bureau has announced that it will continue to post the survey data and the source of the data used to calculate APORs on the FFIEC Web site every week but will no longer revise the methodology statement each time it is necessary to change the source of survey data and has removed the references to the sources of survey data from the methodology statement.[60]

In light of the recent variability in the sources of survey data used to calculate APORs and the Bureau's resulting revisions to the methodology statement, the Bureau proposes certain amendments to § 1003.4(a)(12)(ii). The Bureau proposes to amend § 1003.4(a)(12)(ii) to remove the reference to ''points,'' as points are accounted for in ''other loan pricing terms'' and to explain that APOR is derived from a set of creditors rather than a representative sample of creditors. The Bureau also proposes to amend § 1003.4(a)(12)(ii) to explain that the Bureau publishes tables of APORs by transaction type at least weekly and also publishes the methodology it uses to derive these rates. The Bureau will still provide the public with its APOR calculation methodology statement, but believes that given the recent changes regarding the availability of survey data, providing additional flexibility in § 1003.4(a)(12)(ii) regarding the calculation is advisable.

The Bureau proposes amendments to revised comment 4(a)(12)–1 to conform to the proposed amendments to § 1003.4(a)(12)(ii). Proposed comment 4(a)(12)–1 would explain that APORs are APRs derived from average interest rates and other loan pricing terms offered to borrowers by a set of creditors for mortgage loans that have low-risk pricing characteristics. It would also provide that other loan pricing terms may include commonly used indices, margins, and initial fixed-rate periods for variable-rate transactions. Proposed comment 4(a)(12)–1 would explain that relevant pricing characteristics may include a consumer's credit history and transaction characteristics such as the loan-to-value ratio, owner-occupant status, and purpose of the transaction, and that, to obtain APORs, the Bureau uses creditor data by transaction type. Given the recent variability in the APOR source data discussed above, the proposal would remove other requirements for the source data.

Additionally, the Bureau proposes amendments to revised comment 4(a)(12)–2. The Bureau proposes to amend comment 4(a)(12)–2 to explain that the Bureau publishes tables of current and historic APORs by transaction type and its methodology statement on its Web site (*http://www.consumerfinance.gov*) in addition to the FFIEC Web site. Given the Bureau's role as processor of the HMDA data starting with data collected in 2017, the Bureau believes it would be appropriate for the Bureau to publish tables of current and historic APOR rates by transaction type and its methodology statement on its Web site

[57] Intermittent actual withdrawals from the remaining assets should not be reported if the financial institution does not consider them as income in its underwriting.

[58] Section 1094(3)(A)(iv) of the Dodd-Frank Act amended HMDA by adding section 304(b)(5)(B), which expanded the rate spread reporting requirement beyond higher-priced mortgage loans.

[59] 81 FR 64142 (Sept. 19, 2016); 81 FR 52831 (Aug. 10, 2016).

[60] 81 FR 64142 (Sept. 19, 2016). The source of survey data used by the Bureau to calculate APORs is currently available, however, on the FFIEC Web site, *https://www.ffiec.gov/ratespread/mortgagerates.htm*.

in addition to the FFIEC Web site. The Bureau also proposes to substitute the term ''creditor data'' for ''survey data,'' consistent with the Bureau's proposed amendment to comment 4(a)(12)–1, and to clarify that the Bureau may use other sources of data to estimate APRs when data are limited or not available. The Bureau seeks comment on these proposed amendments.

Open-End Lines of Credit

The Final Rule revised comment 4(a)(12)–3 to clarify that the requirements of § 1003.4(a)(12)(i) refer to the covered loan's APR. Revised comment 4(a)(12)–3 further explains that a financial institution complies with § 1003.4(a)(12)(i) by relying on the APR for the covered loan, as calculated and disclosed pursuant to Regulation Z § 1026.18 or 1026.38 (for closed-end mortgage loans) or 1026.40 (for open-end lines of credit), as applicable. Thus, for closed-end mortgage loans, the Final Rule refers to the APR as calculated and disclosed pursuant to Regulation Z §§ 1026.18 and 1026.38, which set forth requirements for the contents of the disclosures that must be provided to consumers prior to consummation of certain closed-end mortgage loans.[61] However, for open-end lines of credit, the Final Rule refers to the APR as calculated and disclosed pursuant to Regulation Z § 1026.40, which sets forth requirements regarding the disclosures provided at the time an application is provided to the consumer. The Final Rule does not refer to Regulation Z § 1026.6, which sets forth the disclosure requirements for open-end lines of credit at account opening.

The Bureau believes that referring to the APR as calculated and disclosed at the time of account opening for open-end lines of credit, rather than at the time of application, would result in the reporting of more useful data under § 1003.4(a)(12)(i) and would improve consistency with the rate spread reporting requirements for closed-end mortgage loans. Accordingly, the Bureau proposes to amend revised comment 4(a)(12)–3 to remove the reference to Regulation Z § 1026.40 and to replace it with a reference to Regulation Z § 1026.6. The Bureau also proposes a technical correction to correct a typographical error and remove the unnecessary ''credit'' in the comment's parenthetical explanation regarding open-end lines of credit. The Bureau seeks comment on these proposed amendments.

Rate-Set Date

The Final Rule adopted new comment 4(a)(12)–5 to clarify that the relevant date to use to determine the APOR for a comparable transaction is the date on which the covered loan's interest rate was set by the financial institution for the final time before closing or account opening. Comment 4(a)(12)–5 includes several illustrative examples. Comment 4(a)(12)–5.iii explains that, when a financial institution has reporting responsibility for an application for a covered loan that it received from a broker, as discussed in comment 4(a)–4 (*e.g.,* because the financial institution makes a credit decision prior to closing or account opening), the rate-set date is the last date the financial institution set the rate with the broker, not the date the broker set the borrower's rate. In the Final Rule, the Bureau adopted proposed comment 4(a)–4, renumbered as comment 4(a)–2, to provide guidance on a financial institution's reporting responsibilities when a single transaction involves more than one institution. However, the Bureau did not update comment 4(a)(12)–5.iii in the Final Rule to reflect the renumbering of proposed comment 4(a)–4 as comment 4(a)–2. To correct this oversight, the Bureau proposes to amend comment 4(a)(12)–5.iii to replace the reference to comment 4(a)–4 with a reference to comment 4(a)–2. The Bureau solicits comment on this proposed amendment.

Application or Preapproval Request Approved but Not Accepted

As adopted by the Final Rule, comment 4(a)(12)–8 explains that, in the case of an application approved but not accepted or a preapproval request that was approved but not accepted, § 1003.4(a)(12) requires the financial institution to report the applicable rate spread. As discussed above, revised comment 4(a)(12)–3 clarifies that, for closed-end mortgage loans, a financial institution complies with § 1003.4(a)(12)(i) by relying on the APR for the covered loan as calculated and disclosed pursuant to Regulation Z § 1026.18 or § 1026.38. Additionally, the Bureau proposes to amend revised comment 4(a)(12)–3 to clarify that, for open-end lines of credit, a financial institution complies with § 1003.4(a)(12)(i) by relying on the APR as calculated and disclosed pursuant to Regulation Z § 1026.6. However, the Bureau is concerned that, in a situation where an application or a preapproval request is approved but not accepted, the guidance provided in revised comment 4(a)(12)–3 may not be applicable because the transaction will not be consummated or the account may not be opened, as applicable. In such cases, the financial institution would provide the early disclosures at the time of application required under Regulation Z § 1026.18 or § 1026.37 (for closed-end mortgage loans) or § 1026.40 (for open-end lines of credit) but could never provide subsequent disclosures prior to consummation or at the time of account opening.

Accordingly, the Bureau proposes to amend comment 4(a)(12)–8 to clarify reporting requirements where an application or a preapproval request is approved but not accepted and only the early disclosures required under Regulation Z §§ 1026.18, 1026.37, or 1026.40, as applicable, are provided. The Bureau proposes to add language to comment 4(a)(12)–8 recognizing that, where an application or a preapproval request is approved but not accepted, the financial institution would provide early disclosures under Regulation Z § 1026.18 or § 1026.37 (for closed-end mortgage loans) or § 1026.40 (for open-end lines of credit), but could never provide any subsequent disclosures. The Bureau proposes to clarify further that, in such cases where no subsequent disclosures are provided, a financial institution complies with § 1003.4(a)(12)(i) by relying on the APR for the covered loan as calculated and disclosed pursuant to Regulation Z § 1026.18 or § 1026.37 (for closed-end mortgage loans) or § 1026.40 (for open-end lines of credit), as applicable. The Bureau believes the proposal would clarify which APR a financial institution must rely on for purposes of complying with § 1003.4(a)(12)(i) when an application or a preapproval request is approved but not accepted and only the early Regulation Z disclosures are provided. In short, if disclosures were provided at consummation or account opening, the financial institution relies on those disclosures; if no such later disclosures were provided because the application or preapproval request was approved but not accepted, the financial institution relies on the earlier disclosures provided at the application stage. The Bureau seeks comment on this proposed clarification.

[61] Regulation Z § 1026.19(a)(1)(i) requires the creditor to deliver or place in the mail good faith estimates of the disclosures required by § 1026.18 not later than the third business day after the creditor receives the consumer's written application. Section 1026.19(a)(2)(i) requires the creditor to deliver or place in the mail the disclosures required by § 1026.19(a)(1)(i) not later than the seventh business day before consummation of the transaction. If the APR disclosed under § 1026.19(a)(1)(i) becomes inaccurate, as defined in § 1026.22, § 1026.19(a)(2)(ii) provides that the creditor shall provide corrected disclosures no later than three business days before consummation.

Corrected Disclosures

The Bureau proposes to add new comment 4(a)(12)–9 to provide guidance in situations where a financial institution provides a corrected disclosure under Regulation Z that reflects a corrected APR. The Final Rule does not explain how a financial institution complies with § 1003.4(a)(12)(i) in such cases. Specifically, the Final Rule does not clarify whether a financial institution relies on the APR for the covered loan or application approved but not accepted as initially calculated and disclosed, or whether a financial institution relies on the APR as calculated and disclosed pursuant to the corrected disclosure. However, as adopted by the Final Rule, §§ 1003.4(a)(17)(i) and 1003.4(a)(18) through (20), which require reporting of certain pricing data points as disclosed on the Closing Disclosure pursuant to Regulation Z § 1026.38, provide guidance regarding how a financial institution complies with its reporting requirements when a revised pricing data point is reflected on a revised Closing Disclosure. The commentary to §§ 1003.4(a)(17)(i) and 1003.4(a)(18) through (20) explains that, in general, if the amount of the applicable pricing data point changes because a financial institution provides a revised version of the disclosures required under Regulation Z § 1026.19(f), pursuant to § 1026.19(f)(2), the financial institution complies with the applicable reporting requirement by reporting the revised amount of the pricing data point, provided that the revised disclosure was provided to the borrower during the same reporting period in which closing occurred.

The Bureau believes similar commentary to § 1003.4(a)(12) would address potential uncertainty regarding the reporting requirements under § 1003.4(a)(12)(i) when a corrected disclosure under Regulation Z is provided. Specifically, the Bureau proposes to add new comment 4(a)(12)–9 to explain that, in the case of an application approved but not accepted or a preapproval request that was approved but not accepted, if the APR changes because a financial institution provides a corrected version of the disclosures required under Regulation Z § 1026.19(a), pursuant to § 1026.19(a)(2), under Regulation Z § 1026.19(f), pursuant to § 1026.19(f)(2), or under Regulation Z § 1026.6(a), the financial institution complies with § 1003.4(a)(12)(i) by comparing the corrected and disclosed APR to the most recently available APOR that was in effect for a comparable transaction as of the rate-set date. The comment would further clarify that this guidance applies so long as the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. It would explain that for purposes of § 1003.4(a)(12), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z § 1026.38(a)(3)(i). Proposed comment 4(a)(12)–9 would also explain that the corrected disclosure does not affect the rate-set date, and would include an example illustrating how its guidance applies in the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1).

Additionally the Bureau proposes to amend proposed new comment 4(a)(12)–9, effective January 1, 2020, to reflect the revised annual reporting requirements in § 1003.5(a)(1)(i) and the quarterly reporting requirements in § 1003.5(a)(1)(ii). The Bureau proposes to amend the illustrative example in proposed new comment 4(a)(12)–9, effective January 1, 2020, to remove the reference to current § 1003.5(a)(1). It would instead provide illustrative examples to demonstrate how a financial institution complies with § 1003.4(a)(12)(i) when a corrected APR is reflected on a corrected disclosure in the case of an annual loan/application register made pursuant to § 1003.5(a)(1)(i) and a quarterly loan/application register made pursuant to § 1003.5(a)(1)(ii). The Bureau solicits comment on the proposed amendments.

4(a)(15)

Section 1094(3)(A)(iv) of the Dodd-Frank Act amended section 304(b) of HMDA to require financial institutions to report the credit scores of borrowers and applicants, ''in such form as the Bureau may prescribe.'' [62] Excluding purchased covered loans, § 1003.4(a)(15), as adopted by the Final Rule, requires that a financial institution report the credit score or scores relied on in making the credit decision and the name and version of the scoring model used to generate each credit score. Comment 4(a)(15)–2, as adopted by the Final Rule, explains how to report the credit score and scoring model when there are multiple credit scores obtained or created by a financial institution. Comment 4(a)(15)–3, as adopted by the Final Rule, explains how to report credit scores when there are multiple applicants or borrowers.

The Bureau has become aware that comments 4(a)(15)–2 and –3 may not explain clearly how to report the scoring model for a composite credit score and how to report a single credit score when there are multiple applicants or borrowers. Consequently, the Bureau proposes to amend comment 4(a)(15)–2 to clarify that, when a financial institution uses more than one credit scoring model and combines the scores into a composite credit score, the financial institution should report that score and report that more than one credit scoring model was used. In addition, the Bureau proposes to amend comment 4(a)(15)–3 to clarify that, in a transaction involving two or more applicants or borrowers for which the financial institution obtains or creates a single credit score and relies on that credit score in making the credit decision for the transaction, the institution complies with § 1003.4(a)(15) by reporting that credit score for the applicant and reporting that the requirement is not applicable for the first co-applicant or, alternatively, by reporting that credit score for the first co-applicant and reporting that the requirement is not applicable for the applicant.

The Bureau solicits comment on the proposed clarifications.

4(a)(17)

Section 304(b)(5)(A) of HMDA [63] provides for reporting of ''the total points and fees payable at origination in connection with the mortgage as determined by the Bureau, taking into account 15 U.S.C. 1602(aa)(4).'' [64] Section 1003.4(a)(17), as adopted by the Final Rule, implements this provision and provides that for covered loans subject to Regulation Z § 1026.43(c), a financial institution shall report the amount of total loan costs, as disclosed pursuant to Regulation Z § 1026.38(f)(4), if a disclosure is provided for the covered loan pursuant to Regulation Z § 1026.19(f), or the total points and fees charged in connection with the covered

[62] 12 U.S.C. 2803(b)(6)(I).

[63] Section 1094(3)(A)(iv) of the Dodd-Frank Act amended section 304(b) of HMDA to provide for the reporting of total points and fees.

[64] 15 U.S.C. 1602(aa)(4) is part of the Truth in Lending Act. Prior to amendments made by the Dodd-Frank Act, that section generally defined ''points and fees'' for the purpose of determining whether a transaction was a high-cost mortgage. *See* 15 U.S.C. 1602(aa)(4). Section 1100A of the Dodd-Frank Act redesignated subsection 1602(aa)(4) as subsection 1602(bb)(4), where it is currently codified. In light of that redesignation, the Bureau interprets HMDA section 304(b)(5)(A) as directing it to take into account 15 U.S.C. 1602(bb)(4) and its implementing regulations, as those provisions address ''points and fees'' and because current subsection 1602(aa)(4) is no longer relevant to a determination regarding points and fees.

loan, expressed in dollars and calculated pursuant to Regulation Z § 1026.32(b)(1), if the covered loan is not subject to the disclosure requirements in Regulation Z § 1026.19(f), and is not a purchased covered loan. Comment 4(a)(17)(i)–3, as adopted by the Final Rule, provides guidance in situations where a financial institution has provided a revised Closing Disclosure with a new amount of total loan costs. The Bureau proposes to amend comment 4(a)(17)(i)–3 to reflect the different effective dates for certain reporting requirements and to make other minor clarifications.

Comment 4(a)(17)(i)–3 explains that, if the amount of total loan costs changes because a financial institution provides a revised version of the disclosures required under Regulation Z § 1026.19(f), pursuant to § 1026.19(f)(2), the financial institution complies with § 1003.4(a)(17)(i) by reporting the revised amount, provided that the revised disclosure was provided to the borrower during the same reporting period in which closing occurred. The comment includes an illustrative example that discusses a financial institution's quarterly submission made pursuant to § 1003.5(a)(1)(ii) and an explanation regarding what a financial institution reports in its quarterly submission when the corrected disclosure is provided prior to the end of the quarter in which closing occurred or after the quarter in which closing occurred. However, § 1003.4(a)(17) and its associated commentary will be effective on January 1, 2018, while § 1003.5(a)(1)(ii) will be effective on January 1, 2020. The Bureau believes that comment 4(a)(17)(i)–3 should discuss only provisions of Regulation C that will be effective on or before January 1, 2018, and should not refer to provisions of the rule that become effective after the comment takes effect.

Accordingly, the Bureau proposes to amend comment 4(a)(17)(i)–3 so that its illustrative example refers to a financial institution's annual loan/application register submission made pursuant to current § 1003.5(a)(1) instead of to its quarterly submission made pursuant to § 1003.5(a)(1)(ii). The Bureau proposes to remove the language in comment 4(a)(17)(i)–3 regarding what a financial institution reports in its quarterly submission when the corrected disclosure is provided prior to the end of the quarter in which closing occurred or after the quarter in which closing occurred.

For additional clarity, the Bureau proposes to amend comment 4(a)(17)(i)–3 to explain that for purposes of compliance with § 1003.4(a)(17)(i), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z § 1026.38(a)(3)(i). The Bureau believes this amendment would facilitate compliance by clarifying the date on which the corrected disclosure is provided to the borrower for purposes of § 1003.4(a)(17)(i). The Bureau also proposes to amend the comment to substitute ''corrected'' for ''revised'' to reflect the language used in Regulation Z § 1026.19(f)(2), and to add additional clarifications that such corrected disclosures are provided ''to the borrower.'' Additionally, the Bureau proposes to amend comment 4(a)(17)(i)–3 to explain that a financial institution complies with § 1003.4(a)(17)(i) by reporting the corrected amount, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. The Bureau believes that replacing ''during the same reporting period'' with ''prior to the end of the reporting period'' would clarify the reporting requirement when final action is taken after the reporting period in which the corrected disclosure is provided to the borrower. The Bureau believes that referring to the reporting period in which final action is taken, rather than when closing occurred, would improve clarity and consistency with the language used in Regulation C.

Additionally, the Bureau proposes certain amendments to proposed comment 4(a)(17)(i)–3 effective January 1, 2020. Because § 1003.5(a)(1)(ii) takes effect January 1, 2020, the Bureau believes that, effective January 1, 2020, it would be appropriate to amend proposed comment 4(a)(17)(i)–3 to incorporate the guidance and illustrative example adopted by the Final Rule regarding a financial institution's quarterly submission under § 1003.5(a)(1)(ii). The proposal generally would retain the clarifications to comment 4(a)(17)(i)–3 that the Bureau proposes to adopt effective January 1, 2018, but would amend the illustrative example in proposed comment 4(a)(17)(i)–3 regarding the annual loan/application register to refer to § 1003.5(a)(1)(i), which takes effect on January 1, 2019. As discussed in the section-by-section analyses of §§ 1003.4(a)(18) through (20) below, the Bureau proposes parallel amendments to comments 4(a)(18)–3, 4(a)(19)–3, and (4)(a)(20)–3, respectively, to address the different effective dates for certain reporting requirements and to make minor clarifications. The Bureau solicits comment on the proposed amendments.

4(a)(18)

Pursuant to HMDA sections 305(a) and 304(b)(5)(D), in the Final Rule the Bureau adopted § 1003.4(a)(18) to require financial institutions to report, for covered loans subject to the disclosure requirements in Regulation Z § 1026.19(f), the total of all itemized amounts that are designated borrower-paid at or before closing, as disclosed pursuant to § 1026.38(f)(1). Comment 4(a)(18)–3, adopted by the Final Rule, provides guidance in situations where a financial institution has issued a revised Closing Disclosure with a new amount of total origination charges. For the same reasons set forth in the section-by-section analysis of § 1003.4(a)(17) above, the Bureau proposes amendments to comment 4(a)(18)–3 to reflect the different effective dates for certain reporting requirements and to make other minor clarifications. The Bureau solicits comment on the proposed amendments.

4(a)(19)

Pursuant to HMDA sections 305(a) and 304(b)(5)(D), in the Final Rule the Bureau adopted § 1003.4(a)(19) to require financial institutions to report, for covered loans subject to the disclosure requirements in Regulation Z § 1026.19(f), the points paid to the creditor to reduce the interest rate, expressed in dollars, as described in Regulation Z § 1026.37(f)(1)(i) and disclosed pursuant to § 1026.38(f)(1). Comment 4(a)(19)–3, adopted by the Final Rule, provides guidance in situations where a financial institution has issued a revised Closing Disclosure with a new amount of discount points. For the same reasons set forth in the section-by-section analysis of § 1003.4(a)(17) above, the Bureau proposes amendments to comment 4(a)(19)–3 to reflect the different effective dates for certain reporting requirements and to make other minor clarifications. The Bureau solicits comment on the proposed amendments.

4(a)(20)

Pursuant to HMDA sections 305(a) and 304(b)(5)(D), in the Final Rule the Bureau adopted § 1003.4(a)(20) to require financial institutions to report, for covered loans subject to the disclosure requirements in Regulation Z § 1026.19(f), the total amount of lender credits, as disclosed pursuant to § 1026.38(h)(3). Comment 4(a)(20)–3, adopted by the Final Rule, provides guidance in situations where a financial institution has issued a revised Closing Disclosure with a new amount of lender credits. For the same reasons set forth in

the section-by-section analysis of § 1003.4(a)(17) above, the Bureau proposes amendments to comment 4(a)(20)–3 to reflect the different effective dates for certain reporting requirements and to make other minor clarifications. The Bureau solicits comment on the proposed amendments.

4(a)(21)

Pursuant to HMDA sections 305(a) and 304(b)(6)(J), the Bureau adopted § 1003.4(a)(21) in the Final Rule to require financial institutions to report the interest rate applicable to the approved application or to the covered loan at closing or account opening. Comment 4(a)(21)–1 clarifies the interest rate that financial institutions must report for covered loans or applications subject to the disclosure requirements of Regulation Z § 1026.19(e) or (f). For the reasons set forth below, the Bureau proposes certain amendments to comment 4(a)(21)–1.

Comment 4(a)(21)–1 explains that § 1003.4(a)(21) requires a financial institution to identify the interest rate applicable to the approved application or to the covered loan at closing or account opening. In relevant part, comment 4(a)(21)–1 also provides that, for covered loans or applications subject to the disclosure requirements of Regulation Z § 1026.19(e) or (f), a financial institution complies with § 1003.4(a)(21) by reporting the interest rate disclosed on the applicable disclosure. It explains that, for covered loans for which disclosures were provided pursuant to both § 1026.19(e) and (f), a financial institution reports the interest rate disclosed pursuant to § 1026.19(f). Comment 4(a)(21)–1 does not address the interest rate that a financial institution must report when a creditor provides a revised version of the disclosures required under Regulation Z § 1026.19(e) or (f), as applicable. However, as discussed in the section-by-section analyses of § 1003.4(a)(17) through (20) above, the Final Rule does provide guidance regarding the reporting requirements for certain other pricing data points when a revised disclosure under Regulation Z § 1026.19(f) is provided. The Bureau believes similar commentary to § 1003.4(a)(21) would clarify how a financial institution complies with § 1003.4(a)(21) when a revised disclosure is provided.

Accordingly, the Bureau proposes to amend comment 4(a)(21)–1 to add language explaining that, if a financial institution provides a revised or corrected version of the disclosures required under Regulation Z § 1026.19(e) or (f), pursuant to § 1026.19(e)(3)(iv) or (f)(2), as applicable, the financial institution complies with § 1003.4(a)(21) by reporting the interest rate on the revised or corrected disclosure, provided that the revised or corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. The comment would also explain that for purposes of § 1003.4(a)(21), the date the revised or corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z § 1026.37(a)(4) or § 1026.38(a)(3)(i), as applicable. Additionally, because § 1003.4(a)(21) applies to covered loans and approved applications, the Bureau proposes to clarify in comment 4(a)(21)–1 that the guidance regarding the reporting requirements when disclosures are provided pursuant to both § 1026.19(e) and (f) applies to both covered loans and approved applications. To improve clarity, the Bureau also proposes to amend comment 4(a)(21)–1 to refer to the integrated mortgage disclosure requirements of Regulation Z § 1026.19(e) and (f), rather than the disclosure requirements of Regulation Z § 1026.19(e) or (f). The Bureau solicits comment on the proposed amendments.

4(a)(24)

Pursuant to its authority under sections 305(a) and 304(b)(6)(J) of HMDA, the Bureau adopted § 1003.4(a)(24) in the Final Rule to require, except for purchased covered loans, financial institutions to report the ratio of the total amount of debt secured by the property to the value of the property relied on in making the credit decision. The ratio of the total amount of debt secured by the property to the value of the property relied on in making the credit decision generally is referred to as the combined loan-to-value (CLTV) ratio. The Bureau proposes a technical correction to comment 4(a)(24)–2, adopted in the Final Rule, and to add new comment 4(a)(24)–6 to provide additional guidance on the requirement to report the CLTV ratio relied on in making the credit decision.

Comment 4(a)(24)–2 explains that a financial institution relies on the total amount of debt secured by the property to the value of the property in making the credit decision if the CLTV ratio was a factor in the credit decision even if it was not a dispositive factor, and it provides an illustrative example. Section 1003.4(a)(24) requires, except for purchased covered loans, that a financial institution report the ratio of the total amount of debt secured by the property to the value of the property relied on in making the credit decision. In the Final Rule, the Bureau inadvertently omitted language in comment 4(a)(24)–2 regarding ''the ratio of'' in the discussion of the CLTV ratio reporting requirement. To correct this omission, the Bureau proposes a technical correction to comment 4(a)(24)–2. The comment would explain that a financial institution relies on the ratio of the total amount of debt secured by the property to the value of the property in making the credit decision if the CLTV ratio was a factor in the credit decision even if it was not a dispositive factor.

Additionally, the Bureau understands that there may be uncertainty regarding the value of the property to be used in the CLTV ratio calculation. Section 1003.4(a)(24) requires reporting of the ratio of the total amount of debt secured by the property to the value of the property relied on in making the credit decision. Section 1003.4(a)(24) does not require a specific method of calculating the CLTV ratio. In contrast to certain other data points adopted by the Final Rule,[65] the Bureau did not specify that the CLTV ratio relates to the value of the property securing the covered loan or to the property identified in § 1003.4(a)(9). The Bureau did not intend to require that a specific property or properties be used in the CLTV ratio calculation. Instead, a financial institution complies with § 1003.4(a)(24) by reporting the CLTV ratio relied on in making the credit decision, regardless of which property or properties it used in the CLTV ratio calculation.

To clarify further this intent, the Bureau proposes to add new comment 4(a)(24)–6 to explain that a financial institution reports the CLTV ratio relied on in making the credit decision, regardless of which property or properties it used in the CLTV ratio calculation. The proposed comment would explain that the property used in the CLTV calculation does not need to be the property identified in § 1003.4(a)(9) and may include more than one property and non-real property, and it would provide an illustrative example. Proposed comment 4(a)(24)–6 would also explain that § 1003.4(a)(24) does not require a financial institution to use a particular CLTV ratio calculation method but

[65] For example, § 1003.4(a)(31) requires a financial institution to report the number of individual dwelling units related to the property securing the covered loan or, in the case of an application, proposed to secure the covered loan. Comments 4(a)(29)–4 and 4(a)(30)–6 provide that a financial institution reports that the requirement is not applicable for a covered loan where the dwelling related to the property identified in § 1003.4(a)(9) is not a manufactured home.

instead requires financial institutions to report the CLTV ratio relied on in making the credit decision. The Bureau solicits comment on the proposed technical correction and clarification.

4(a)(26)

HMDA section 304(b)(6)(B), as amended by the Dodd-Frank Act, requires the reporting of the actual or proposed term in months of any introductory period after which the rate of interest may change.[66] The Bureau implemented HMDA section 304(b)(6)(B) in the Final Rule by adopting § 1003.4(a)(26) to require that financial institutions collect and report data on the number of months, or proposed number of months in the case of an application, until the first date the interest rate may change after closing or account opening. For the reasons explained below, the Bureau proposes additional commentary to § 1003.4(a)(26) to clarify reporting requirements for non-monthly introductory interest rate periods.

The Bureau understands that there may be uncertainty regarding how a financial institution complies with § 1003.4(a)(26) when an introductory interest rate period is measured in a time other than months, for example, in days or weeks. The commentary to § 1003.4(a)(26) includes examples illustrating how a financial institution complies with the requirement to report introductory interest rate periods calculated in whole months. The Bureau intended that a financial institution report whole months under § 1003.4(a)(26). However, the Final Rule did not address how a financial institution complies with § 1003.4(a)(26) when a covered loan or application includes a non-monthly introductory interest rate period. In contrast, § 1003.4(a)(25), adopted by the Final Rule to require financial institutions to report the loan term, does include commentary clarifying the treatment of non-monthly repayment periods. Specifically, comment 4(a)(25)–2 clarifies that, when a covered loan or application includes a schedule with repayment periods measured in a unit of time other than months, the financial institution complies with § 1003.4(a)(25) by reporting the covered loan or application term using an equivalent number of whole months without regard for any remainder. The Bureau believes a similar explanation in the commentary to § 1003.4(a)(26) regarding non-monthly introductory interest rate periods would be helpful.

For the reasons explained above, the Bureau proposes to add new comment 4(a)(26)–5 to explain that, if a covered loan or application includes an introductory interest rate period measured in a unit of time other than months, the financial institution complies with § 1003.4(a)(26) by reporting the introductory interest rate period for the covered loan or application using an equivalent number of whole months without regard for any remainder, and the proposed comment would provide an illustrative example. Proposed comment 4(a)(26)–5 would also explain that the financial institution must report one month for any introductory interest rate period that totals less than one whole month. The Bureau solicits comment on this proposed clarification.

4(a)(34)

HMDA section 304(b)(6)(F) requires the reporting of, ''as the Bureau may determine to be appropriate, a unique identifier that identifies the loan originator as set forth in'' the SAFE Act.[67] Section 1003.4(a)(34) as adopted by the Final Rule implements this provision by requiring the reporting of the unique identifier assigned to the loan originator by the National Mortgage Licensing System and Registry (NMLSR ID) for covered loans and applications, including purchased loans. Comment 4(a)(34)–2 as adopted by the Final Rule explains that if a mortgage loan originator has been assigned an NMLSR ID, a financial institution complies with § 1003.4(a)(34) by reporting the mortgage loan originator's NMLSR ID regardless of whether the mortgage loan originator is required to obtain an NMLSR ID for the particular transaction being reported by the financial institution.

The preamble to the Final Rule explains that the Bureau believed that reporting the NMLSR ID would impose little to no ongoing cost for financial institutions because the information is required to be provided on certain loan documents pursuant to Regulation Z's loan originator rules.[68] However, the Bureau has become aware that financial institutions reporting covered loans that they purchase may sometimes have difficulty reporting this information because the NMLSR ID may not be listed on the loan documents of purchased loans. Purchasers of covered loans have pointed out that they may purchase loans after the effective date of the Final Rule that were originated before Regulation Z's loan originator rules became effective on January 10, 2014. As a result, the loan documents may not include the NMLSR ID, even when the loan originator had been assigned one and it must be reported according to the interpretation in comment 4(a)(34)–2. In such a circumstance, it may impose considerable challenges to require purchasers to acquire this information. In addition, the Bureau believes that the number of reportable loans purchased after January 1, 2018, that were originated before January 10, 2014, will be relatively small and will diminish over time. Therefore, the Bureau proposes a transitional rule in new comment 4(a)(34)–4. The comment would explain that if a financial institution purchases a covered loan that satisfies the coverage criteria of Regulation Z, 12 CFR 1026.36(g) and that was originated prior to January 10, 2014, the financial institution complies with § 1003.4(a)(34) by reporting that the requirement is not applicable.

In addition, the loan documents for purchased loans that are not covered by the loan originator rules under Regulation Z may not include the NMLSR ID either, even when the loan originator has been assigned an NMLSR ID and a later purchaser must report it according to the interpretation in comment 4(a)(34)–2, as adopted by the Final Rule, if it is a covered loan (*e.g.,* a commercial purpose home purchase loan). For this reason, originators of such covered loans will need to arrange to have the NMLSR ID available to preserve secondary market viability. The Bureau believes that it is appropriate to provide sufficient time for originators and purchasers to develop processes that will ensure compliance in this situation. Therefore, the Bureau proposes a second transitional rule in new comment 4(a)(34)–4. The comment would explain that if a financial institution purchases a covered loan that does not satisfy the coverage criteria of Regulation Z, 12 CFR 1026.36(g) and that was originated prior to January 1, 2018, the financial institution complies with § 1003.4(a)(34) by reporting that the requirement is not applicable.

Proposed comment 4(a)(34)–4 would also make clear that purchasers of the loans exempted by the transitional rules discussed above may, however, report the NMLSR ID voluntarily. The Bureau solicits comment on the proposed transitional rules.

[66] Dodd-Frank Act section 1094(3)(A)(iv); 12 U.S.C. 2803(b)(6)(B).

[67] Dodd-Frank Act section 1094(3)(A)(iv), 12 U.S.C. 2803(b)(6)(F).

[68] 80 FR 66128, 66231 (Oct. 28, 2015). *See* Regulation Z, § 1026.36(g).

4(a)(35)

In the Final Rule, pursuant to its authority under sections 305(a) and 304(b)(6)(J) of HMDA, the Bureau adopted § 1003.4(a)(35)(i) to require a financial institution to report, except for purchased covered loans, the name of the automated underwriting system (AUS) it used to evaluate the application and the result generated by that AUS. As adopted by the Final Rule, § 1003.4(a)(35)(ii) provides that an AUS means an electronic tool developed by a securitizer, Federal government insurer, or Federal government guarantor that provides a result regarding the credit risk of the applicant and whether the covered loan is eligible to be originated, purchased, insured, or guaranteed by that securitizer, Federal government insurer, or Federal government guarantor. For the reasons set forth below, the Bureau proposes to amend § 1003.4(a)(35)(ii) and comment 4(a)(35)–2, as adopted by the Final Rule, and to add comment 4(a)(35)–7.

The Bureau understands there may be uncertainty regarding the definition of AUS adopted by § 1003.4(a)(35)(ii). Specifically, § 1003.4(a)(35)(ii) does not explain what type of product a person must be securitizing, insuring, or guaranteeing to be considered a securitizer, Federal government insurer, or Federal government guarantor for purposes of the AUS definition. The Bureau recognizes that the Final Rule could be read broadly, such that, for example, a person securitizing only non-dwelling secured assets could be considered a securitizer for purposes of § 1003.4(a)(35)(ii). Additionally, § 1003.4(a)(35)(ii) does not specify the timeframe relevant to the determination of whether a person is considered a securitizer, Federal government insurer, or Federal government guarantor for purposes of the AUS definition. The Bureau has received questions regarding whether an electronic tool satisfies the AUS definition where it is developed by a securitizer, Federal government insurer, or Federal government guarantor and thus meets the definition of AUS, but the developer of the AUS is no longer an active securitizer, Federal government insurer, or Federal government guarantor at the time a financial institution uses the tool to evaluate an application. The Bureau is concerned that, without further clarification, the AUS reporting requirement could be interpreted as applying only when the developer of the AUS is an active securitizer, Federal government insurer, or Federal government guarantor at the time a financial institutions uses the AUS to evaluate an application.

To address these uncertainties, the Bureau proposes certain amendments to § 1003.4(a)(35)(ii). Proposed § 1003.4(a)(35)(ii) would explain that, for purposes of § 1003.4(a)(35), an ''automated underwriting system'' means an electronic tool developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit that provides a result regarding the credit risk of the applicant and whether the covered loan is eligible to be originated, purchased, insured, or guaranteed by that securitizer, Federal government insurer, or Federal government guarantor. The Bureau believes it may be appropriate to clarify that the definition of AUS is limited to an electronic tool developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit because information related to closed-end mortgage loans or open-end lines of credit is reportable under HMDA. The Bureau believes the results from the electronic tools developed by these persons may provide more useful AUS data to further HMDA's purposes than, for example, the results from an electronic tool developed by a securitizer of only non-dwelling secured assets.

Additionally, the Bureau proposes to amend § 1003.4(a)(35)(ii) to add an explanation that a person is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, if it has ever securitized, provided Federal government insurance, or provided a Federal government guarantee for a closed-end mortgage loan or open-end line of credit. The Bureau believes this proposed language would clarify that a person's status as a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit for purposes of § 1003.4(a)(35)(ii) is not dependent on its status as an active securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit at the time a financial institution uses the AUS to evaluate an application. Instead, if a person is or has been a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit at any time and it develops an electronic tool that meets the AUS definition under § 1003.4(a)(35)(ii), that electronic tool continues to be an AUS for purposes of Regulation C even if the person is no longer securitizing, insuring, or guaranteeing closed-end mortgage loans or open-end lines of credit at the time the AUS is used by a financial institution to evaluate an application. Given the value of AUS data in furthering HMDA's purposes, the Bureau believes this proposed clarification is important to ensuring the continued availability of reliable AUS data regardless of potential changes in the marketplace that may affect a person's status as an active securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit.

The Bureau also believes it could be less challenging for a financial institution to make a one-time affirmative determination that the person that developed the electronic tool it is using to evaluate an application has ever been a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, than to determine if the developer is an active securitizer, Federal government insurer, or Federal government guarantor at any given point in time. As discussed in more detail below, the Bureau proposes new comment 4(a)(35)–7 to provide guidance on a financial institution's determination of whether the developer of the electronic tool it is using to evaluate an application is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit.

The Bureau proposes conforming amendments to comment 4(a)(35)–2 to reflect the proposed amendments to § 1003.4(a)(35)(ii). Comment 4(a)(35)–2 explains the definition of AUS and provides illustrative examples of the reporting requirement. The proposal would amend comment 4(a)(35)–2 to clarify that, to be covered by the AUS definition in § 1003.4(a)(35)(ii), a system must be an electronic tool that has been developed by a securitizer, Federal government insurer, or a Federal government guarantor of closed-end mortgage loans or open-end lines of credit. The Bureau also proposes to explain in comment 4(a)(35)–2 that a person is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, if it has securitized, provided Federal government insurance, or provided a Federal government guarantee for a closed-end mortgage

loan or open-end line of credit at any point in time. The proposed comment would provide that a person may be a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, for purposes of § 1003.4(a)(35) even if it is not actively securitizing, insuring, or guaranteeing closed-end mortgage loans or open-end lines of credit at the time a financial institution uses the system in question. Additionally, proposed comment 4(a)(35)–2 would clarify that where the person that developed the electronic tool has never been a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, at the time a financial institution uses the tool to evaluate an application, the financial institution complies with § 1003.4(a)(35) by reporting that the requirement is not applicable since an AUS, as defined in proposed § 1003.4(a)(35)(ii), was not used to evaluate the application.

The Bureau proposes new comment 4(a)(35)–7 to add clarity regarding a financial institution's determination of whether the system it is using to evaluate an application is an electronic tool developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit. Proposed comment 4(a)(35)–7 would set forth the definition of AUS under proposed § 1003.4(a)(35)(ii). It would clarify that if a financial institution knows or reasonably believes that the system it is using to evaluate an application is an electronic tool that has been developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, then the financial institution complies with § 1003.4(a)(35) by reporting the name of that system and the result generated by that system. Proposed comment 4(a)(35)–7 would explain that knowledge or reasonable belief could, for example, be based on a sales agreement or other related documents, the financial institution's previous transactions or relationship with the developer of the electronic tool, or representations made by the developer of the electronic tool demonstrating that the developer of the electronic tool is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit.

Additionally, proposed comment 4(a)(35)–7 would provide that if a financial institution does not know or reasonably believe that the system it is using to evaluate an application is an electronic tool that has been developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, the financial institution complies with § 1003.4(a)(35) by reporting that the requirement is not applicable, provided that the financial institution maintains procedures reasonably adapted to determine whether the electronic tool it is using to evaluate an application meets the definition in § 1003.4(a)(35)(ii). The comment would explain that reasonably adapted procedures include attempting to determine with reasonable frequency, such as annually, whether the developer of the electronic tool is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit. Finally, the proposed comment would include illustrative examples demonstrating how a financial institution complies with § 1003.4(a)(35) depending on whether or not it knows or reasonably believes that the system it is using to evaluate an application is an electronic tool that has been developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit. The Bureau believes that proposed comment 4(a)(35)–7 would provide clarity regarding how a financial institution determines its reporting requirement under § 1003.4(a)(35) and would facilitate HMDA compliance.

The Bureau solicits comment on these proposed amendments. The Bureau seeks specific comment on the burden associated with determining whether a person has ever securitized, provided Federal government insurance, or provided a Federal government guarantee for a closed-end mortgage loan or open-end line of credit such that it is, under proposed § 1003.4(a)(35)(ii), a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively.

Section 1003.5 Disclosure and Reporting

5(a)

5(a)(3)

Pursuant to HMDA section 305(a), in the Final Rule the Bureau adopted § 1003.5(a)(3), effective January 1, 2019, to require financial institutions to provide their Legal Entity Identifier (LEI) when reporting HMDA data and to set forth certain other requirements regarding the information a financial institution must include in its submission. Specifically, § 1003.5(a)(3)(ii) requires a financial institution to provide with its submission the calendar year the data submission covers pursuant to § 1003.5(a)(1)(i) or calendar quarter and year the data submission covers pursuant to § 1003.5(a)(1)(ii). The Bureau proposes to amend § 1003.5(a)(3)(ii) to reflect the different effective dates for annual reporting requirements in § 1003.5(a)(1)(i) and quarterly reporting requirements in § 1003.5(a)(1)(ii) adopted by the Final Rule.

The Bureau is concerned that § 1003.5(a)(3)(ii) references the new quarterly reporting requirements in § 1003.5(a)(1)(ii) that will not yet be in effect when § 1003.5(a)(3)(ii) takes effect on January 1, 2019. Although the revised annual reporting requirements adopted by § 1003.5(a)(1)(i) will be effective on January 1, 2019, the new requirements for certain financial institutions to submit a quarterly loan/application register under § 1003.5(a)(1)(ii) will not be effective until January 1, 2020. To address this misalignment, the Bureau proposes to amend § 1003.5(a)(3)(ii), effective January 1, 2019, to remove the language regarding the calendar quarter and the year the data submission covers pursuant to § 1003.5(a)(1)(ii). Proposed § 1003.5(a)(3)(ii) would instead require only that a financial institution provide with its submission the calendar year the data submission covers pursuant to § 1003.5(a)(1)(i).

Additionally, the Bureau proposes to amend § 1003.5(a)(3)(ii), effective January 1, 2020, to incorporate the language adopted by the Final Rule regarding the calendar quarter and the year the data submission covers pursuant to § 1003.5(a)(1)(ii). As discussed above, § 1003.5(a)(1)(ii) will be effective on January 1, 2020. Therefore, the Bureau proposes to amend § 1003.5(a)(3)(ii) as of that same date to require a financial institution to provide with its submission the calendar year the data submission covers pursuant to § 1003.5(a)(1)(i) or calendar quarter and year the data submission covers pursuant to § 1003.5(a)(1)(ii). The Bureau solicits comment on the proposed amendment.

Section 1003.6 Enforcement

6(b) Bona fide errors

Current § 1003.6(b) provides that ''bona fide errors'' are not violations of HMDA and Regulation C and provides guidance about what qualifies as a bona fide error. Current § 1003.6(b)(2)

provides that an incorrect entry for a census tract number is deemed a bona fide error, and is not a violation of HMDA or Regulation C, if the financial institution maintains procedures reasonably adapted to avoid such errors. For the reasons set forth below, the Bureau proposes amendments to the commentary to current § 1003.6(b) to clarify that incorrect entries reporting the census tract number of a property are not a violation of the HMDA or Regulation C, if the financial institution properly uses a geocoding tool made available through the Bureau's Web site (the Bureau's geocoding tool), the financial institution enters an accurate property address, and the tool provides a census tract number for the property address entered.

Section 1003.4(a)(9)(ii)(C) requires financial institutions to report the census tract of the property securing or, in the case of an application, proposed to secure the covered loan if the property is located in a MSA or MD in which the institution has a home or branch office. In addition, § 1003.4(e) requires banks and savings associations that are required to report data on small business, small farm, and community development lending under regulations that implement the Community Reinvestment Act to report the census tract of properties located outside MSAs and MDs in which the institution has a home or branch office or outside of any MSA.

To ease the burden associated with reporting the census tract required by Regulation C, the Bureau plans to make available on its Web site a geocoding tool to provide the census tract based on property addresses entered by users. The Bureau proposes new comment 6(b)–2 to clarify that obtaining census tract information for covered loans and applications from the Bureau's geocoding tool is an example of a procedure reasonably adapted to avoid incorrect entries for a census tract number under current § 1003.6(b)(2). The proposed comment would state that a census tract error is not a violation of the HMDA or Regulation C if the financial institution obtained the census tract number from the Bureau's geocoding tool if the financial institution used the tool appropriately. The proposed comment would provide further that a financial institution's failure to provide the required census tract information for a covered loan or application on its loan/application register because the Bureau's geocoding tool did not provide a census tract for the property address entered by the financial institution is not excused as a bona fide error. The proposed comment would also explain that a census tract error caused by a financial institution entering an inaccurate property address into the Bureau's geocoding tool is not excused as a bona fide error. The Bureau also proposes to add in comment 6(b)–1 a cross reference to proposed comment 6(b)–2. The Bureau solicits comment on these proposed amendments to the commentary.

6(c) Quarterly Recording and Reporting

Currently, § 1003.6(b)(3) provides that errors and omissions in data that a financial institution records on its loan/application register on a quarterly basis as required under § 1003.4(a) are not violations of HMDA or Regulation C if the institution makes a good-faith effort to record all required data fully and accurately within thirty calendar days after the end of each calendar quarter and corrects or completes the data prior to reporting the data to its appropriate Federal agency. In the Final Rule, the Bureau moved the substance of current § 1003.6(b)(3) to new § 1003.6(c)(1) and added new § 1003.6(c)(2) to provide that a similar safe harbor applies to data reported on a quarterly basis pursuant to § 1003.5(a)(1)(ii). Pursuant to § 1003.6(c)(2), errors and omissions in the data submitted pursuant to § 1003.5(a)(1)(ii) will not be considered HMDA or Regulation C violations assuming the conditions that currently provide a safe harbor for errors and omissions in quarterly recorded data are satisfied. In the Final Rule the Bureau adopted an effective date of January 1, 2019 for § 1003.6, and an effective date of January 1, 2020 for the quarterly reporting requirements in § 1003.5(a)(1)(ii).

The Bureau proposes to amend § 1003.6(c)(2) so that its effective date aligns to the effective date for the quarterly reporting requirements in § 1003.5(a)(1)(ii), for which § 1003.6(c)(2) provides a safe harbor. Accordingly, the Bureau proposes to remove § 1003.6(c)(2) and to redesignate § 1003.6(c)(1) as § 1003.6(c) effective January 1, 2019. The Bureau proposes to add § 1003.6(c)(2), as adopted by the Final Rule, and to redesignate § 1003.6(c) as § 1003.6(c)(1) effective January 1, 2020. The Bureau solicits comment on this proposed amendment.

Appendix B to Part 1003—Form and Instructions for Data Collection of Ethnicity, Race, and Sex

HMDA and Regulation C currently require financial institutions to collect the ethnicity, race, and sex of an applicant or borrower for covered loans and applications.[69] Current appendix B to Regulation C provides data collection instructions and a sample data collection form for use in collecting an applicant's or borrower's information. In the Final Rule, the Bureau revised the ethnicity, race, and sex data collection requirements and instructions.[70] Among other changes, revised appendix B requires financial institutions to collect disaggregated ethnic and racial categories beginning January 1, 2018. For the reasons set forth below and to facilitate implementation, the Bureau proposes certain amendments to the instructions and sample data collection form contained in revised appendix B.

Ethnicity and Race Subcategories

Through outreach in support of implementing the Final Rule, the Bureau was asked whether an applicant must select Hispanic or Latino in order to select one of the four ethnicity subcategories and about potential inconsistencies between instructions 8 and 9.i in revised appendix B, as adopted by the Final Rule. Instruction 8 provides that financial institutions must report the ethnicity, race, and sex of an applicant as provided by the applicant. It provides the example that if an applicant selects the Mexican subcategory, the financial institution reports Mexican for the ethnicity of the applicant. Instruction 9.i similarly provides that a financial institution must report each ethnicity category and subcategory selected by the applicant. On the other hand, instruction 9.i also provides that, if an applicant selects Hispanic or Latino, the applicant may select up to four ethnicity subcategories.

To clarify the requirements, the Bureau proposes to amend instructions 8 and 9.i to provide that an applicant is not required to select an aggregate category as a precondition to selecting a subcategory. Specifically, the Bureau proposes to amend instruction 8 to provide that an applicant may select an ethnicity or race subcategory even if the applicant does not select an aggregate ethnicity or aggregate race category and to provide an example to facilitate compliance. The example also clarifies that a financial institution should not report an aggregate category if not selected by the applicant. The Bureau also proposes to amend instruction 9.i to remove language concerning the selection of Hispanic or Latino as a precondition to selecting the ethnicity subcategories.

[69] 12 U.S.C. 2803(b)(4); § 1003.4(a)(10).

[70] Section 1003.4(a)(10)(i); comment 4(a)(10)(i); appendix B to part 1003.

The Bureau believes the proposed revisions to instructions 8 and 9.i would add greater clarity and ensure that financial institutions report the ethnicity and race subcategories selected by the applicant (subject to the five-ethnicity and race maximums discussed below). Consistent with the requirement in instruction 8 that a financial institution report ethnicity and race as provided by the applicant, the Bureau believes that a financial institution should provide applicants an opportunity to select any of the ethnicity and race categories and subcategories set forth in revised appendix B. The Bureau solicits comment on these proposed clarifications to instructions 8 and 9.i.

Other Ethnicity and Other Race Subcategories

The Bureau is concerned that the conditional language in instructions 9.ii and 9.iv may be interpreted as requiring an applicant to select the Other ethnicity or Other race subcategories (*e.g.,* Other Hispanic or Latino or Other Asian) before the applicant is permitted to provide a particular ethnicity or race subcategory not listed in the standard subcategories. Instruction 9.ii provides that, if an applicant selects the Other Hispanic or Latino ethnicity subcategory, the applicant may also provide a particular Hispanic or Latino ethnicity not listed in the standard subcategories. Instruction 9.iv similarly provides that, if an applicant selects the Other Asian race subcategory or the Other Pacific Islander race subcategory, the applicant may also provide a particular Other Asian or Other Pacific Islander race not listed in the standard subcategories.

The Bureau proposes to amend instruction 9.ii to clarify that an applicant may provide a particular Hispanic or Latino ethnicity not listed in the standard subcategories, whether or not the applicant selects the Other Hispanic or Latino ethnicity subcategory. Specifically, the Bureau proposes to amend instruction 9.ii to provide that an applicant may select the Other Hispanic or Latino ethnicity subcategory, an applicant may provide a particular Hispanic or Latino ethnicity not listed in the standard subcategories, or an applicant may do both. The Bureau also proposes to amend instruction 9.ii to provide an example. Similarly, the Bureau proposes to amend instruction 9.iv to clarify that an applicant is not required to select the Other Asian or Other Pacific Islander subcategory in order to provide a particular Other Asian or Other Pacific Islander subcategory not listed in the standard subcategories. Rather, an applicant may select the Other Asian or Other Pacific Islander subcategory, provide a particular Other Asian or Other Pacific Islander subcategory, or do both. The Bureau also proposes to amend instruction 9.iv to provide an example.

The Bureau believes the proposed revisions would ensure that an applicant is given an opportunity to provide an Other ethnicity or Other race subcategory not listed in the standard subcategories without first having to select the Other ethnicity or Other race subcategory. The Bureau believes that restricting when an applicant may provide Other ethnicity or Other race subcategories is inconsistent with instruction 8. The Bureau solicits comment on these proposed revisions to instructions 9.ii an 9.iv.

Five-Ethnicity Maximum

Since issuing the Final Rule, the Bureau has received inquiries concerning how to report an applicant's ethnicity if an applicant selects or provides more than five ethnicity designations. Instruction 9 requires a financial institution to offer an applicant the option to select more than one ethnicity or race. Instruction 9.i sets forth two aggregate ethnicity categories and four ethnicity subcategories that may be selected by an applicant (for a total of six categories and subcategories). Instruction 9.i requires that a financial institution report each aggregate ethnicity category and each ethnicity subcategory selected by the applicant. As reflected in the filing instructions guide for HMDA data collected in 2018 (FIG), however, a financial institution may report up to only five ethnicity codes.[71] In the Final Rule, the Bureau set forth a five-race maximum and related instructions for reporting race categories and race subcategories combined. Although the Bureau does not believe there will be many instances in which an applicant will select all ethnicity categories and ethnicity subcategories, the absence of a similar five-ethnicity maximum and instructions in the Final Rule was an inadvertent oversight.

Accordingly, the Bureau proposes to amend instruction 9.i to provide instructions to financial institutions on how to report ethnicity if an applicant selects both aggregate ethnicity categories and all four ethnicity subcategories. The proposed revisions mirror the instructions for how to report more than five aggregate race categories or race subcategories in instructions 9.iii. Specifically, the Bureau proposes to revise instruction 9.i to provide that a financial institution must report every aggregate ethnicity category selected by the applicant. The revised instruction would provide that a financial institution must also report every ethnicity subcategory selected by the applicant, except that a financial institution must not report more than a total of five aggregate ethnicity categories and ethnicity subcategories combined.

The Bureau also proposes to make conforming amendments to instruction 9.ii. The Bureau proposes to amend instruction 9.ii to clarify that, if an applicant selects the Other Hispanic or Latino subcategory and provides a particular Hispanic or Latino subcategory not listed in the standard subcategories, the financial institution should count the information as one selection for the purposes of reporting the five-ethnicity maximum. The proposed revisions to instruction 9.ii mirror the instructions for reporting the Other race subcategories in instruction 9.iv.

The Bureau seeks comment on these proposed revisions to instructions 9.i and 9.ii.

Sample Data Collection Form

The Bureau also proposes to make several technical corrections to the sample data collection form contained in revised appendix B, which is used for the collection of ethnicity, race, and sex information about the applicant or borrower. The sample data collection form provides instructions to the applicant concerning how to complete the form. Among other instructions, the form directs that an applicant may select one or more Hispanic or Latino origins and one or more designations for race. The sample data collection form also includes directions for the applicant to ''[c]heck one or more'': The first direction to check one or more appears next to the Hispanic or Latino category, and the second direction to check one or more appears next to the ''Race'' heading of the form. Both instructions to check one or more appear on only the side of the form designated for collecting an applicant's information; those instructions do not appear on the side of the form designated for the collection of a co-applicant's information.

[71] Consumer Fin. Prot. Bureau, Filing Instructions Guide for HMDA data collected in 2018, at 55, *available at http://www.consumerfinance.gov/data-research/hmda/static/for-filers/2018/2018-HMDA-FIG.pdf.* The FIG is a compendium of resources created by the Bureau to help financial institutions file HMDA data collected in 2018 with the Bureau in 2019.

The Bureau proposes to amend the sample data collection form to clarify that an applicant may select one or more aggregate ethnicity categories and ethnicity subcategories. Specifically, the Bureau proposes to revise the instructions to provide that an applicant may select one or more designations for ''Ethnicity'' and one or more designations for ''Race.'' The Bureau also proposes to move the instruction to check one or more next to the ''Ethnicity'' heading, rather than next to the Hispanic or Latino category. The Bureau believes these proposed amendments clarify that an applicant may select multiple ethnicity categories, including both aggregate ethnicity categories. The Bureau believes the proposed amendment is consistent with instruction 9 in revised appendix B, which provides that the applicant must be offered the option of selecting more than one ethnicity or race.

Additionally, the Bureau proposes a technical correction to the sample data collection form to clarify that the same instructions apply to both an applicant and co-applicant. Specifically, the Bureau proposes to also include the ''check one or more'' instructions on the side of the form designated for the collection of a co-applicant's ethnicity and race information.

The Bureau solicits comment on these proposed technical corrections to the sample data collection form.

VI. Section 1022(b)(2) of the Dodd-Frank Act

HMDA provides the public and public officials with information to help determine whether financial institutions are serving the housing needs of the communities in which they are located. It assists public officials in their determination of the distribution of public sector investments in a manner designed to improve the private investment environment.[72] It also assists in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes, which now are codified with HMDA's other purposes in Regulation C.[73]

In 2010, Congress enacted the Dodd-Frank Act, which amended HMDA and also transferred HMDA rulemaking authority and other functions from the Board to the Bureau.[74] In October 2015, the Bureau issued the 2015 HMDA Final Rule which implemented the Dodd-Frank Act amendments to HMDA.[75] The Final Rule modifies the types of institutions and transactions subject to Regulation C, the types of data that institutions are required to collect, and the processes for reporting and disclosing the required data.

Since issuing the Final Rule, the Bureau has conducted outreach with stakeholders, through participation in conferences concerning the Final Rule, communications with HMDA vendors, and informal inquiries submitted by financial institutions. As part of these efforts and through its own analysis of the Final Rule, the Bureau has identified certain technical errors in the Final Rule, ways to ease the burden of reporting certain data requirements, and clarifications of key terms that will facilitate compliance with the Final Rule. This proposal addresses these issues.

In developing the proposed rule, the Bureau has considered its potential benefits, costs, and impacts.[76] The Bureau requests comment on the preliminary analysis presented below as well as submissions of additional data that could inform the Bureau's analysis of the benefits, costs, and impacts. The Bureau has consulted with, or offered to consult with, the prudential regulators, the Securities and Exchange Commission, the Department of Housing and Urban Development, the Federal Housing Finance Agency, the Federal Trade Commission, the Department of Veterans Affairs, the Department of Agriculture, the Department of Justice, and the Department of the Treasury.

This proposal would make amendments to Regulation C to make technical corrections and clarify certain requirements under the Final Rule amending Regulation C and implementing the Dodd-Frank Act amendments to HMDA, in October of 2015.

In the 2015 HMDA Final Rule, the Bureau conducted an in-depth Section 1022(b)(2) analysis of the costs and benefits of the Final Rule. The Bureau chose a baseline for that analysis that was the state of the world before the provisions of the Dodd-Frank Act that amended HMDA are implemented by an amended Regulation C. The baseline for the below analysis is the world that would exist if the 2015 HMDA Final Rule took effect absent the amendments in this proposed rule. In other words, the potential benefits and costs of the provisions contained in this proposed rule are evaluated relative to the state of the world defined by the 2015 HMDA Final Rule.[77]

The Bureau does not deem most of the proposed amendments as substantive changes to the 2015 HMDA Final Rule. The amendments are largely clarifications and technical corrections that do not change the compliance requirements of the Final Rule, but should reduce burden by avoiding confusion on how to comply. Those few amendments that do make minor substantive changes would all reduce burden on industry and have either a positive or neutral effect on consumers.

To ease the burden associated with obtaining certain information about purchased loans, the proposal would establish certain transitional rules for reporting purchased loans, allowing financial institutions to opt not to report the loan purpose if the financial institution is reporting a purchased covered loan that was originated prior to January 1, 2018, and providing financial institutions with the option not to report the unique identifier for the loan originator when reporting purchased loans that were originated prior to January 10th of 2014.[78]

The proposal also would make clear that financial institutions may voluntarily report open-end lines of credit or closed-end mortgage loans even if the institution may exclude those loans pursuant to the transactional thresholds included in § 1003.3(c)(11) or (12) under the Final Rule.

The proposal would provide assurances to financial institutions that obtain the census tract number from the forthcoming geocoding tool provided by the Bureau, provided that the tool returned a census tract number for the address entered and that the financial institution entered an accurate property address into the tool.

The proposal would clarify certain key terms, including temporary financing, automated underwriting system, multifamily dwelling, extension of credit, income, and mixed-use property. The proposal also would

[72] HMDA section 302(b), 12 U.S.C. 2801(b); *see also* 12 CFR 1003.1(b)(1)(i) and (ii).

[73] 54 FR 51356, 51357 (Dec. 15, 1989), *codified at* 12 CFR 1003.1(b)(1).

[74] Public Law 111–203, 124 Stat. 1376, 1980, 2035–38, 2097–101 (2010).

[75] October 2015 HMDA Final Rule, 80 FR 66128.

[76] Specifically, section 1022(b)(2)(A) of the Dodd-Frank Act calls for the Bureau to consider the potential benefits and costs of a regulation to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services; the impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act; and the impact on consumers in rural areas.

[77] Because the analysis of the 2015 Final Rule reflected the Bureau's intended transactional thresholds, rather than those created by the drafting error in §§ 1003.3(c)(11), (12), the baseline incorporates this rulemaking's proposed correction of the error.

[78] There is a third transitional rule that eases NMLSR ID reporting requirements for purchases of commercial loans originated prior to January 1, 2018, but it is expected to apply to only a very small number of loans.

exclude preliminary transactions associated with New York CEMAs, which would reduce burden by avoiding double reporting.

The proposal would correct a drafting error and align the transactional thresholds included in § 1003.3(c)(11) and (12) under the Final Rule with the institutional coverage thresholds included in § 1003.2(g). The proposal addresses certain technical aspects of reporting, such as how the reporting requirements for certain data points relate to disclosures required by the Bureau's Regulation Z and how to collect and report certain information about an applicant's race and ethnicity.

The proposed rule also includes a variety of minor changes and technical corrections.

The Bureau seeks comment on data that would help to quantify costs and benefits and any associated burden with the proposed changes. Specifically, the Bureau is seeking information on the projected number of loans that would be originated prior to January 1, 2018 and then purchased by financial institutions after January 1, 2018, and which would be required to be reported according to the 2015 HMDA Final Rule by HMDA reporting years. Similarly, the Bureau is seeking information on the projected number of loans that would be originated prior to January 10, 2014 and then purchased by financial institutions after January 1, 2018, and which would be required to be reported according to the 2015 HMDA Final Rule by HMDA reporting years. The Bureau is also seeking information on the projected numbers and characteristics of financial institutions that would opt to report open-end lines of credit or closed-end loans under HMDA even though they would have fallen below the respective loan-volume threshold. The Bureau is requesting any other data that would assist in quantifying the costs and benefits of this proposal.

B. Potential Benefits and Costs to Consumers and Covered Persons

Transitional Rules on Purchased Loans

Under the proposal, financial institutions can opt not to report the loan purpose under § 1003.4(a)(3) if the financial institution is reporting a purchased covered loan that was originated prior to January 1, 2018, the effective date of the new data collection requirements included in the Final Rule. The proposed rule would also provide financial institutions with the option not to report the unique identifier for the loan originator when reporting purchased loans that were originated prior to January of 2014, when Regulation Z's requirement to include the loan originator's unique identifier on loan documents went into effect. Thirdly, there is a transitional rule that eases NMLSR ID reporting requirements for purchases of commercial loans originated prior to January 1, 2018, but it is expected to apply to only a very small number of loans.

The Bureau believes providing these options to financial institutions would not add costs to financial institutions, but rather would be burden reducing. Without such temporary relief, it would be burdensome for financial institutions to obtain the relevant information on the loan purpose and NMLSR ID of the loans originated during the respective transitional periods. Specifically, each of the proposed transitional rules would remove one data point that is required to be reported for purchased loans that were originated in a time period prior to the January 1, 2018, effective date for the reportable data points in the 2015 HMDA Final Rule.

The extent to which the proposed transition rules would reduce burden depends on the complexity of the financial institutions and the number of loans affected. In the 2015 HMDA Final Rule, the Bureau categorizes financial institutions into 3 tiers: Low-complexity, moderate-complexity, and high-complexity. For each tier, the Bureau produced a reasonable estimate of the cost of compliance given the limitations of the available data. The Bureau believes most of the financial institutions that purchase loans and are required to report under HMDA are in the high-complexity tier, some possibly could be in the moderate-complexity tier, but probably very few are in the low-complexity category.

The Bureau currently lacks data, given the uncertainty of the market environment, to project the volume of purchased loans that would be covered under the proposed transitional rules after the 2015 HMDA Final Rule is effective. The Bureau generally believes that the number of reportable loans purchased after January 1, 2018, that were originated before January 1, 2018, will be relatively large in the beginning of 2018 but will diminish over time. The Bureau further understands that typically there is some delay between loan origination by small creditors and loan purchase by larger financial institutions. Providing a transitional rule to exempt these purchased loans from loan purpose reporting would therefore reduce the burden on those financial institutions. This would be particularly true during the first year or first few years after January 1, 2018. Further, the Bureau generally believes that the number of reportable loans purchased after January 1, 2018, that were originated before January 10, 2014, will be relatively small and will diminish over time. Providing a transitional rule to exempt those eligible purchased loans from NMLSR ID reporting would reduce the ongoing reporting cost on those financial institutions where the proposed change is applicable.

Regarding benefits to consumers, the Bureau expects the effects of the transitional rules for purchased loans to be small or nonexistent. HMDA reporting by purchasers does not directly affect consumers. To the extent that the rules create cost reductions relative to the baseline established by the 2015 HMDA Final rule, those reductions may be indirectly passed on to consumers. Standard economic theory predicts that in a market where financial institutions are profit maximizers, the affected financial institutions would pass on to consumers the cost saving per application or origination (*i.e.,* the reduction in marginal cost) and would retain the one-time cost saving and saving on fixed costs of complying with the rule.

Allowing Voluntary Reporting for Financial Institutions When Below Loan-Volume Thresholds

The proposal would clarify that financial institutions may voluntarily report open-end lines of credit or closed-end mortgage loans even if the institution may exclude those loans pursuant to the transactional thresholds included in § 1003.3(c)(11) or (12) under the Final Rule.

This clarification recognizes that some financial institutions may prefer to report loans even if they fall under the transactional thresholds in certain years. Thus, the proposed rule provides certain financial institutions an option. Economic theory predicts that a firm will exercise an option when (and only when) the firm benefits from doing so. Thus, an option granted to a financial institution has no impact on those that choose not to exercise the option, *i.e.,* they are no better or worse off than if the option had not been granted. Financial institutions that choose to exercise the option may incur benefits and costs but must benefit on net.

Regarding the option to report loans voluntarily, the Bureau believes the financial institutions that are most likely to exercise such options would be low-volume, low-complexity institutions that have made a one-time investment in HMDA reporting and would like to utilize that reporting

capacity, which is already in place. They would only do so if the defrayed one-time adjustment costs more than offset the ongoing costs of reporting. The Bureau believes such options granted are burden reducing to financial institutions. The Bureau seeks comments on the data related to the potential number and characteristics of financial institutions that may be interested in opting into either closed-end or open-end voluntary HMDA reporting, even if they are not required to report under the Final Rule.

Consumers may benefit from the voluntary reporting clarification, to the extent that low-volume, low-complexity institutions achieve cost reductions and pass them on to their customers. The Bureau believes that such consumer savings would likely be small. Consumers may also benefit if low-volume, low complexity institutions are more willing to originate loans because passing the thresholds will not cause increased burden due to the fact that the institutions are already reporting HMDA information.

Deem Census Tract Errors as Bona Fide Errors if the Bureau's Geocoding Tool Is Used

The proposal would establish that a census tract error is a bona fide error and not a violation of HMDA or Regulation C if the financial institution obtained the incorrect census tract number from the geocoding tool provided by the Bureau, provided the financial institution used the tool appropriately, the tool provided a census tract number for the property address entered, and the financial institution entered an accurate property address into the tool.

Geocoding is often regarded as a pain point for many financial institutions for HMDA reporting. In the impact analyses in the 2015 HMDA Final Rule, the Bureau discussed implementing several operational enhancements including working to improve the geocoding process to reduce the burden on financial institutions. The Bureau provided cost estimates on financial institutions with or without those operational enhancements respectively. Therefore, compared to the baseline established in the impact analyses in 2015 HMDA Final Rule, this proposal is aligned with the operational enhancement already discussed in the Final Rule and goes even further by allowing more burden reduction for financial institutions' geocoding efforts. In the impact analyses of the 2015 HMDA Final Rule, the Bureau breaks down the typical HMDA operational process of financial institutions into 18 operational tasks. Specifically, the Bureau believes this proposal would reduce the costs of financial institutions on the following tasks: Completion of geocoding data, standard annual edit and internal check, internal audit, external audit, exam preparation and exam assistance on the issues related to geocoding. It would do so by providing a safe harbor that would further encourage financial institutions to use the geocoding tool that the Bureau is developing and hence reducing the burden on the institutions. The Bureau also believes the financial institutions that would most likely benefit more from this proposal are low-complexity institutions that generally lack the resources to adopt commercially available geocoding tools.

The Bureau believes that the lower costs to using the Bureau's geocoding tool and potentially increased reliance on the Bureau's geocoding tool will have a small impact on consumers. Consumers would benefit indirectly from the geocoding safe harbor to the extent that low-complexity institutions pass on any cost savings.

Clarifying Certain Key Terms and Other Minor Changes/Corrections

The proposal would clarify certain key terms, including temporary financing, automated underwriting system, multifamily dwelling, extension of credit, income, and mixed-use property. The proposal also addresses certain technical aspects of reporting, such as how the reporting requirements for certain data points relate to disclosures required by the Bureau's Regulation Z and how to collect and report certain information about an applicant's race and ethnicity. The proposed rule also includes a variety of minor changes and technical corrections.

These are all minor or clarifying changes that follow the meaning of the Final Rule as issued, with the aim to clarify certain terms and make certain technical corrections, including correcting certain drafting errors. The Bureau believes none of these proposed clarifications and technical corrections could impose additional burdens on financial institutions. On the contrary, they have the potential to reduce reporting burdens on financial institutions, as these proposals would reduce potential confusion related to certain data points and transactions. In particular, the Bureau believes these proposals would help reduce the ongoing costs associated with the following operational tasks that were first discussed in the 2015 HMDA Final Rule: Researching questions and resolving question responses.

The Bureau believes that none of the proposed clarifications and minor changes in this proposal could add additional costs to financial institutions. Most changes would have the potential to reduce the ongoing operational costs of HMDA reporting on some financial institutions. The impact on consumers would also be small relative to the baseline established by the 2015 HMDA final rule. Consumers would benefit to the extent to which financial institutions pass on any cost savings to consumers.

C. Impact on Depository Institutions and Credit Unions With No More Than $10 Billion in Assets

The Bureau believes that some of the proposed changes could benefit depository institutions and credit unions with no more than $10 billion, as described in section 1026 of the Dodd-Frank Act, in assets relatively more than they benefit larger financial institutions. For instance, the proposed change allowing census tract errors to be bona fide errors if a financial institution chooses to use the Bureau's geocoding tool, as specified in the changes, would mostly benefit financial institutions with assets below $10 billion, because it would provide a safe harbor and further encourage smaller financial institutions to use the geocoding tool that the Bureau is developing. These institutions are more likely than larger financial institutions to use the Bureau's geocoding tools. Furthermore, the Bureau believes that the proposed clarification that financial institutions have the option to report open-end lines of credit or closed-end loans even if they fall under the transactional threshold(s) would mostly benefit financial institutions that have assets below $10 billion. Financial institutions that are most likely to exercise such options would be low-volume, low-complexity institutions that may have made a one-time investment in reporting infrastructure and would prefer to utilize it even though the volatility in their loan production volume may cause them to fall below the relevant mandatory reporting threshold in certain years. As explained above, the Bureau believes such options granted would have to be burden reducing to those small financial institutions in order for them to exercise the option(s). To the extent that the majority of such small financial institutions have $10 billion or less in assets, the proposed changes mentioned above would create a disproportional

benefit for covered persons in that asset category.

The only proposals that could potentially benefit financial institutions with assets over $10 billion relatively more than financial institutions with assets below $10 billion are the transitional rules related to reporting certain data points for purchased loans. Financial institutions with assets below $10 billion that purchase loans would also benefit from the transitional rules. However, larger institutions will benefit relatively more because they are more likely to be purchasers of loans.

For the reasons discussed above, the Bureau believes that no provision in this proposed rule would add cost burdens to financial institutions with assets below $10 billion, and that any effects would be burden reducing.

D. Impact on Access to Credit

As discussed above, the Bureau believes that none of the proposed changes in this proposal could add additional costs to financial institutions. In addition, a reduction in ambiguity regarding compliance with the law as this proposal tries to achieve also reduces costs to financial institutions. Thus, all proposals would have potential to reduce the operational costs of HMDA reporting on certain financial institutions. Further, as discussed above, standard economic theory predicts that in a market where financial institutions are profit maximizers, the affected financial institutions would pass on to consumers the cost saving per application or origination (*i.e.,* the reduction in marginal cost) and would retain the one-time cost saving and saving on fixed costs of complying with the rule. Thus, the Bureau believes the impacts of the proposed changes on consumers' access to credit would be neutral or beneficial (*i.e.,* credit becomes more available or the cost of available credit falls). In no event would consumers experience reduced access to credit.

E. Impact on Consumers in Rural Areas

The Bureau believes that none of the proposed changes is likely to have an adverse impact on consumers in rural areas. The Bureau believes it is possible that smaller financial institutions that may opt to report HMDA information even though they may fall below transaction thresholds in certain years are relatively more likely to be located in rural areas. To the extent this conjecture is true, financial institutions and consumers in rural areas may benefit from the proposed clarification of options allowing lenders to voluntarily report, based on the economic rationale that a lender would only exercise the option(s) if the benefits of doing so outweigh the costs. The Bureau requests comment and data on the likelihood that smaller financial institutions that may opt to report HMDA information even though they may fall below transaction thresholds in certain years are relatively more likely to be located in rural areas.

The Bureau also believes that it is possible that rural consumers may benefit more than consumers in urban areas from the proposal to allow census tract errors be treated as bona fide errors if the lender/HMDA reporter chooses to use the CFPB geocoding tool, as specified in the proposal, because it is commonly believed that properties located in rural areas face more geocoding challenges and this proposal alleviates some of that burden. The Bureau requests comment and data on whether properties located in rural areas face more geocoding challenges and this proposal alleviates some of that burden. For the rest of the proposed changes, the Bureau believes in no event would financial institutions based in rural areas and consumers face higher burdens.

VII. Regulatory Flexibility Act

The Regulatory Flexibility Act (the RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small nonprofit organizations. The RFA defines a ''small business'' as a business that meets the size standard developed by the Small Business Administration pursuant to the Small Business Act.

The RFA generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. In the absence of such a certification, the Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.

As discussed above, the Bureau believes that none of the proposed changes would create a significant impact on any covered persons, including small entities. Therefore, an IRFA is not required for this proposal.

Accordingly, the undersigned certifies that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities. The Bureau requests comment on the analysis above and requests any relevant data.

VIII. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies are generally required to seek the Office of Management and Budget (OMB) approval for information collection requirements prior to implementation. Under the PRA, the Bureau may not conduct or sponsor, and, notwithstanding any other provision of law, a person is not required to respond to an information collection unless the information collection displays a valid control number assigned by OMB. The information collection requirements contained in Regulation C have been previously approved by OMB and assigned OMB control number 3170–0008. You may access this information collection on *www.reginfo.gov* by selecting ''Information Collection Review'' from the main menu, clicking on ''Search,'' and then entering the OMB control number.

The Bureau has determined that the proposed rule would not impose any new recordkeeping, reporting, or disclosure requirements on members of the public that would constitute collections of information requiring approval under the PRA.

The Bureau has a continuing interest in the public's opinions regarding this determination. At any time, comments regarding this determination may be sent to: The Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, or by email to *CFPB_Public_PRA@cfpb.gov*.

List of Subjects in 12 CFR Part 1003

Banks, Banking, Credit unions, Mortgages, National banks, Savings associations, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth above, the Bureau proposes to amend Regulation C, 12 CFR part 1003, as set forth below:

PART 1003—HOME MORTGAGE DISCLOSURE (REGULATION C)

■ 1. The authority citation for part 1003 continues to read as follows:

Authority: 12 U.S.C. 2803, 2804, 2805, 5512, 5581.

[The following amendments would be effective January 1, 2018, further amending the sections as amended October 28, 2015, at 80 FR 66127.]

■ 2. Section 1003.2 is further amended by revising paragraphs (g)(1)(v)(A) and (g)(2)(ii)(A) to read as follows:

§ 1003.2 Definitions.

* * * * *

(g) * * *

(1) * * *

* * * * *

(v) * * *

(A) In each of the two preceding calendar years, originated at least 25 closed-end mortgage loans that are not excluded from this part pursuant to § 1003.3(c)(1) through (10) or (13); or

(2) * * *

(ii) * * *

(A) In each of the two preceding calendar years, originated at least 25 closed-end mortgage loans that are not excluded from this part pursuant to § 1003.3(c)(1) through (10) or (13); or

* * * * *

■ 3. Section 1003.3 is further amended by revising paragraphs (3)(c)(11) and (12) and adding paragraph (3)(c)(13) to read as follows:

§ 1003.3 Exempt institutions and excluded transactions.

* * * * *

(c) * * *

(11) A closed-end mortgage loan, if the financial institution originated fewer than 25 closed-end mortgage loans in either of the two preceding calendar years;

(12) An open-end line of credit, if the financial institution originated fewer than 100 open-end lines of credit in either of the two preceding calendar years; or

(13) A transaction that provided or, in the case of an application, proposed to provide new funds to the borrower in advance of being consolidated in a New York State consolidation, extension, and modification agreement classified as a supplemental mortgage under New York Tax Law section 255. The transaction is excluded only if final action on the consolidation was taken in the same calendar year as final action on the new funds.

■ 4. Section 1003.4 is further amended by revising paragraphs (4)(a)(2), (4)(a)(12), and (4)(a)(35) to read as follows:

§ 1003.4 Compilation of reportable data.

(a) * * *

(2) Whether the covered loan is, or in the case of an application would have been, insured by the Federal Housing Administration, guaranteed by the Department of Veterans Affairs, or guaranteed by the Rural Housing Service or the Farm Service Agency.

* * * * *

(12)(i) For covered loans subject to Regulation Z, 12 CFR part 1026, other than assumptions, purchased covered loans, and reverse mortgages, the difference between the covered loan's annual percentage rate and the average prime offer rate for a comparable transaction as of the date the interest rate is set.

(ii) ''Average prime offer rate'' means an annual percentage rate that is derived from average interest rates and other loan pricing terms currently offered to consumers by a set of creditors for mortgage loans that have low-risk pricing characteristics. The Bureau publishes tables of average prime offer rates by transaction type at least weekly and also publishes the methodology it uses to derive these rates.

* * * * *

(35)(i) Except for purchased covered loans, the name of the automated underwriting system used by the financial institution to evaluate the application and the result generated by that automated underwriting system.

(ii) For purposes of this paragraph (a)(35), an ''automated underwriting system'' means an electronic tool developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit that provides a result regarding the credit risk of the applicant and whether the covered loan is eligible to be originated, purchased, insured, or guaranteed by that securitizer, Federal government insurer, or Federal government guarantor. A person is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, if it has ever securitized, provided Federal government insurance, or provided a Federal government guarantee for a closed-end mortgage loan or open-end line of credit.

* * * * *

■ 5. Appendix B to part 1003 is further amended by revising paragraphs 8, 9(i), 9(ii), and 9(iv) and the Sample Data Collection Form to read as follows:

Appendix B to Part 1003—Form and Instructions for Data Collection on Ethnicity, Race, and Sex

* * * * *

8. You must report the ethnicity, race, and sex of an applicant as provided by the applicant. For example, if an applicant selects the ''Asian'' box the institution reports ''Asian'' for the race of the applicant. Only an applicant may self-identify as being of a particular Hispanic or Latino subcategory (Mexican, Puerto Rican, Cuban, Other Hispanic or Latino) or of a particular Asian subcategory (Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, Other Asian) or of a particular Native Hawaiian or Other Pacific Islander subcategory (Native Hawaiian, Guamanian or Chamorro, Samoan, Other Pacific Islander) or of a particular American Indian or Alaska Native enrolled or principal tribe. An applicant may select an ethnicity or race subcategory even if the applicant does not select an aggregate ethnicity or aggregate race category. For example, if an applicant selects only the ''Mexican'' box, the institution reports ''Mexican'' for the ethnicity of the applicant and should not also report ''Hispanic or Latino.''

9. * * *

i. *Ethnicity—Aggregate categories and subcategories.* There are two aggregate ethnicity categories: Hispanic or Latino; and Not Hispanic or Latino. The Hispanic or Latino category has four subcategories: Mexican; Puerto Rican; Cuban; and Other Hispanic or Latino. You must report every aggregate ethnicity category selected by the applicant. If the applicant also selects one or more ethnicity subcategories, you must report each ethnicity subcategory selected by the applicant, except that you must not report more than a total of five aggregate ethnicity categories and ethnicity subcategories combined. For example, if the applicant selects both aggregate ethnicity categories and also selects all four ethnicity subcategories, you must report Hispanic or Latino, Not Hispanic or Latino, and any three, at your option, of the four ethnicity subcategories selected by the applicant. To determine how to report the Other Hispanic or Latino ethnicity subcategory for purposes of the five-ethnicity maximum, see paragraph 9.ii below.

ii. *Ethnicity—Other subcategories.* An applicant may select the Other Hispanic or Latino ethnicity subcategory, an applicant may provide a particular Hispanic or Latino ethnicity not listed in the standard subcategories, or an applicant may do both. For example, if an applicant provides only Dominican, you should report Dominican and should not also report Other Hispanic or Latino. If an applicant selects the Other Hispanic or Latino ethnicity subcategory and also provides a particular Hispanic or Latino ethnicity not listed in the standard subcategories, you must report both the selection of Other Hispanic or Latino and the additional information provided by the applicant, subject to the five-ethnicity maximum. In all such cases, for purposes of the maximum of five reportable ethnicity categories and ethnicity subcategories combined set forth in paragraph 9.i, the Other Hispanic or Latino subcategory and additional information provided by the applicant together constitute only one selection. For example, if the applicant selects Other Hispanic or Latino and enters ''Dominican'' in the space provided, Other Hispanic or Latino and Dominican are considered one selection.

* * * * *

iv. *Race—Other subcategories.* An applicant may select the Other Asian race subcategory or the Other Pacific Islander race subcategory, an applicant may provide a particular Other Asian race or Other Pacific Islander race not listed in the standard subcategories, or an applicant may do both. For example, if an applicant provides only Hmong, you should report Hmong and should not also report Other Asian. If an applicant selects the Other Asian race or the Other Pacific Islander race subcategory and provides a particular Other Asian race or Other Pacific Islander race not listed in the standard subcategories, you must report both the selection of Other Asian or Other Pacific Islander, as applicable, and the additional information provided by the applicant, subject to the five-race maximum. In all such cases, for purposes of the maximum of five reportable race categories and race subcategories combined set forth in paragraph 9.iii, the Other race subcategory and additional information provided by the applicant together constitute only one selection. Thus, using the same facts in the example offered in paragraph 9.iii above, if the applicant also selected Other Asian and entered ''Thai'' in the space provided, Other Asian and Thai are considered one selection. You must report any two (at your option) of the four race subcategories selected by the applicant, Korean, Vietnamese, Other Asian-Thai, and Samoan, in addition to the three aggregate race categories selected by the applicant.

* * * * *

SAMPLE DATA COLLECTION FORM
DEMOGRAPHIC INFORMATION OF APPLICANT AND CO-APPLICANT

The purpose of collecting this information is to help ensure that all applicants are treated fairly and that the housing needs of communities and neighborhoods are being fulfilled. For residential mortgage lending, Federal law requires that we ask applicants for their demographic information (ethnicity, race, and sex) in order to monitor our compliance with equal credit opportunity, fair housing, and home mortgage disclosure laws. You are not required to provide this information, but are encouraged to do so. You may select one or more designations for "Ethnicity" and one or more designations for "Race."

The law provides that we may not discriminate on the basis of this information, or on whether you choose to provide it. However, if you choose not to provide the information and you have made this application in person, Federal regulations require us to note your ethnicity, race, and sex on the basis of visual observation or surname. If you do not wish to provide some or all of this information, please check below.

Applicant:

Ethnicity: – *Check one or more*
- ☐ Hispanic or Latino
  - ☐ Mexican
  - ☐ Puerto Rican
  - ☐ Cuban
  - ☐ Other Hispanic or Latino – *Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on:*
- ☐ Not Hispanic or Latino

☐ I do not wish to provide this information

Race: *Check one or more*
- ☐ American Indian or Alaska Native – *Print name of enrolled or principal tribe:*
- ☐ Asian
  - ☐ Asian Indian
  - ☐ Chinese
  - ☐ Filipino
  - ☐ Japanese
  - ☐ Korean
  - ☐ Vietnamese
  - ☐ Other Asian – *Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on:*
- ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander
  - ☐ Native Hawaiian
  - ☐ Guamanian or Chamorro
  - ☐ Samoan
  - ☐ Other Pacific Islander – *Print race, for example, Fijian, Tongan, and so on:*
- ☐ White

☐ I do not wish to provide this information

Sex:
- ☐ Female
- ☐ Male

☐ I do not wish to provide this information

Co-Applicant:

Ethnicity: – *Check one or more*
- ☐ Hispanic or Latino
  - ☐ Mexican
  - ☐ Puerto Rican
  - ☐ Cuban
  - ☐ Other Hispanic or Latino – *Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on:*
- ☐ Not Hispanic or Latino

☐ I do not wish to provide this information

Race: – *Check one or more*
- ☐ American Indian or Alaska Native – *Print name of enrolled or principal tribe:*
- ☐ Asian
  - ☐ Asian Indian
  - ☐ Chinese
  - ☐ Filipino
  - ☐ Japanese
  - ☐ Korean
  - ☐ Vietnamese
  - ☐ Other Asian – *Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on:*
- ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander
  - ☐ Native Hawaiian
  - ☐ Guamanian or Chamorro
  - ☐ Samoan
  - ☐ Other Pacific Islander – *Print race, for example, Fijian, Tongan, and so on:*
- ☐ White

☐ I do not wish to provide this information

Sex:
- ☐ Female
- ☐ Male

☐ I do not wish to provide this information

■ 6. Appendix C to part 1003 is further amended by revising Step 3 of ''Generating a Check Digit'' and Step 3 of the ''Example'' to ''Generating a Check Digit'' to read as follows:

Appendix C to Part 1003—Procedures for Generating a Check Digit and Validating a ULI

* * * * *

Generating a Check Digit

* * * * *

Step 3: Apply the mathematical function mod = (n,97) where n = the number obtained in step 2 above and 97 is the divisor.

Alternatively, to calculate without using the modulus operator, divide the numbers in step 2 above by 97. Truncate the remainder to three digits and multiply it by 97. Round the result to the nearest whole number.

* * * * *

Example

* * * * *

Step 3: Apply the mathematical function mod = (*n*,97) where *n* = the number obtained in step 2 above and 97 is the divisor. The result is 60.

Alternatively, to calculate without using the modulus operator, divide the numbers in step 2 above by 97. The result is 10426 179291293122949463322679529 20.618556701030928. Truncate the remainder to three digits, which is .618, and multiply it by 97. The result is 59.946. Round this result to the nearest whole number, which is 60.

* * * * *

■ 7. In Supplement I to Part 1003—Official Interpretations:

■ a. Under *Section 1003.2—Definitions:*

■ i. Under *2(d) Closed-end mortgage loan,* paragraph 2 is revised.

■ ii. Under *2(f) Dwelling,* paragraph 2 is revised.

■ iii. Under *2(i) Home improvement loan,* paragraph 4 is revised.

■ iv. Under *2(j) Home purchase loan,* paragraph 3 is revised.

■ b. Under *Section 1003.3—Exempt institutions and excluded transactions:*

■ i. Under *3(c)(3) Excluded transactions:*

■ A. Under *Paragraph 3(c)(3),* paragraph 1 is revised and paragraph 2 is added.

■ B. Under *Paragraph 3(c)(10),* paragraph 3 is revised.

■ C. Under *Paragraph 3(c)(11),* as added October 28, 215, at 80 FR 66127, paragraph 1 is revised and paragraph 2 is added.

■ D. Under *Paragraph 3(c)(12),* paragraph 1 is revised and paragraph 2 is added.

■ E. Heading *Paragraph 3(c)(13)* and paragraph 1 under that heading is added.

■ c. Under *Section 1003.4—Compilation of Reportable Data:*

■ i. Under *4(a) Data format and itemization:*

■ A. Under *Paragraph 4(a)(1)(i),* paragraphs 3 and 4 are revised.

■ B. Under *Paragraph 4(a)(2),* paragraph 1 is revised.

■ C. Under *Paragraph 4(a)(3),* paragraph 6 is added.

■ D. Under *Paragraph 4(a)(8)(i),* paragraphs 6 and 9 are revised.

■ E. Under *Paragraph 4(a)(9)(i),* paragraph 3 is revised.

■ F. Under *Paragraph 4(a)(9)(ii)(A),* paragraph 1 is revised.

■ G. Under *Paragraph 4(a)(9)(ii)(B),* paragraph 2 is revised.

■ H. Under *Paragraph 4(a)(9)(ii)(c),* paragraph 2 is revised.

■ I. Under *Paragraph 4(a)(10)(ii),* paragraph 3 is revised.

■ J. Under *Paragraph 4(a)(10)(iii),* paragraph 4 is revised.

■ K. Under *Paragraph 4(a)(12),* paragraphs 1, 2, 3, 5, and 8 are revised and paragraph 9 is added.

■ L. Under *Paragraph 4(a)(15),* paragraphs 2 and 3 are revised.

■ M. Under *Paragraph 4(a)(17)(i),* paragraph 3 is revised.

■ N. Under *Paragraph 4(a)(18),* paragraph 3 is revised.

■ O. Under *Paragraph 4(a)(19),* paragraph 3 is revised.

■ P. Under *Paragraph 4(a)(20),* paragraph 3 is revised.

■ Q. Under *Paragraph 4(a)(21),* paragraph 1 is revised.

■ R. Under *Paragraph 4(a)(24),* paragraph 2 is revised and paragraph 6 is added.

■ S. Under *Paragraph 4(a)(26),* paragraph 5 is added.

■ T. Under *Paragraph 4(a)(34),* paragraph 4 is added.

■ U. Under *Paragraph 4(a)(35),* paragraph 2 is revised and paragraph 7 is added.

■ d. Under *Section 1003.6—Enforcement:*

■ i. Under *6(b) Bona Fide Errors,* paragraph 1 is revised and paragraph 2 is added.

Supplement I to Part 1003—Official Interpretations

* * * * *

Section 1003.2—Definitions

* * * * *

2(d) Closed-End Mortgage Loan

* * * * *

2. *Extension of credit.* Under § 1003.2(d), a dwelling-secured loan is not a closed-end mortgage loan unless it involves an extension of credit. For example, some transactions completed pursuant to installment sales contracts, such as some land contracts, depending on the facts and circumstances may or may not involve extensions of credit rendering the transactions closed-end mortgage loans. In general, extension of credit under § 1003.2(d) refers to the granting of credit only pursuant to a new debt obligation. Thus, except as described in comments 2(d)–2.i and .ii, if a transaction modifies, renews, extends, or amends the terms of an existing debt obligation, but the existing debt obligation is not satisfied and replaced, the transaction is not a closed-end mortgage loan under § 1003.2(d) because there has been no new extension of credit. The phrase extension of credit thus is defined differently under Regulation C than under Regulation B, 12 CFR part 1002.

i. *Assumptions.* For purposes of Regulation C, an assumption is a transaction in which an institution enters into a written agreement accepting a new borrower in place of an existing borrower as the obligor on an existing debt obligation. For purposes of Regulation C, assumptions include successor-in-interest transactions, in which an individual succeeds the prior owner as the property owner and then assumes the existing debt secured by the property. Under § 1003.2(d), assumptions are extensions of credit even if the new borrower merely assumes the existing debt obligation and no new debt obligation is created. *See also* comment 2(j)–5.

ii. *New York State consolidation, extension, and modification agreements.* A transaction completed pursuant to a New York State consolidation, extension, and modification agreement and classified as a supplemental mortgage under New York Tax Law section 255, such that the borrower owes reduced or no mortgage recording taxes, is an extension of credit under § 1003.2(d). Comments 2(i)–1, 2(j)–5, and 2(p)–2 clarify whether such transactions are home improvement loans, home purchase loans, or refinancings, respectively. Section 1003.3(c)(13) provides an exclusion from the reporting requirement for a preliminary transaction providing new funds that has been consolidated within the same calendar year into a supplemental mortgage under New York Tax Law section 255. See comment 3(c)(13)–1 for how to report a supplemental mortgage in this situation.

2(f) Dwelling

* * * * *

2. *Multifamily residential structures and communities.* A dwelling also includes a multifamily residential structure or community such as an apartment, condominium, cooperative building or housing complex, or a manufactured home community. A loan related to a manufactured home community is secured by a dwelling for purposes of § 1003.2(f) even if it is not secured by any individual manufactured homes, but only by the land that constitutes the manufactured home community including sites for manufactured homes. However, a loan related to a multifamily residential structure or community that is not a manufactured home community is not secured by a dwelling for purposes of § 1003.2(f) if it is not secured by any individual dwelling units and is, for example, instead secured only by property that only includes common areas, or is secured only by an assignment of rents or dues. In addition, a loan secured by five or more separate dwellings in more than one location is a loan secured by a multifamily dwelling. For example, assume a landlord uses a covered loan to improve five or more rental property dwellings located in different parts of a town, and the loan is secured by those properties. The loan should be reported as secured by a multifamily dwelling.

* * * * *

2(i) Home Improvement Loan

* * * * *

4. *Mixed-use property.* A closed-end mortgage loan or an open-end line of credit to improve a multifamily dwelling used for residential and commercial purposes (for example, a building containing apartment units and retail space), or the real property on which such a dwelling is located, is a home improvement loan if the loan's

proceeds are used either to improve the entire property (for example, to replace the heating system), or if the proceeds are used primarily to improve the residential portion of the property. An institution may use any reasonable standard to determine the primary use of the loan proceeds. An institution may select the standard to apply on a case-by-case basis.

* * * * *

2(j) Home Purchase Loan

* * * * *

3. *Construction and permanent financing.* A home purchase loan includes both a combined construction/permanent loan or line of credit, and the separate permanent financing that replaces a construction-only loan or line of credit for the same borrower at a later time. A home purchase loan does not include a construction-only loan or line of credit that is designed to be replaced by separate permanent financing extended to the same borrower at a later time or that is extended to a person exclusively to construct a dwelling for sale, which are excluded from Regulation C as temporary financing under § 1003.3(c)(3). Comments 3(c)(3)–1 and -2 provide additional details about transactions that are excluded as temporary financing.

* * * * *

Section 1003.3—Exempt Institutions and Excluded Transactions

* * * * *

3(c) Excluded Transactions

* * * * *

Paragraph 3(c)(3)

1. Temporary financing. Section 1003.3(c)(3) provides that closed-end mortgage loans or open-end lines of credit obtained for temporary financing are excluded transactions. Except as provided in comment 3(c)(3)–2, a loan or line of credit is considered temporary financing and excluded under § 1003.3(c)(3) if the loan or line of credit is designed to be replaced by separate permanent financing extended to the same borrower at a later time. For example:

i. Lender A extends credit in the form of a bridge or swing loan to finance a borrower's down payment on a home purchase. The borrower pays off the bridge or swing loan with funds from the sale of his or her existing home and obtains permanent financing for his or her new home from Lender A. The bridge or swing loan is excluded as temporary financing under § 1003.3(c)(3).

ii. Lender A extends credit to a borrower to finance construction of a dwelling. The borrower will obtain a new extension of credit for permanent financing for the dwelling, either from Lender A or from another lender, and either through a refinancing of the initial construction loan or a separate loan. The initial construction loan is excluded as temporary financing under § 1003.3(c)(3).

iii. Assume the same scenario as in comment 3(c)(3)–1.ii, except that the initial construction loan is, or may be, renewed one or more times before the separate permanent financing is obtained. The initial construction loan, including any renewal thereof, is excluded as temporary financing under § 1003.3(c)(3).

iv. Lender A extends credit to finance construction of a dwelling. The loan automatically will convert to permanent financing extended to the same borrower with Lender A once the construction phase is complete. Under § 1003.3(c)(3), the loan is not designed to be replaced by separate permanent financing extended to the same borrower and therefore the temporary financing exclusion does not apply. *See also* comment 2(j)–3.

v. Lender A originates a loan with a nine-month term to enable an investor to purchase a home, renovate it, and re-sell it before the term expires. Under § 1003.3(c)(3), the loan is not designed to be replaced by separate permanent financing extended to the same borrower and therefore the temporary financing exclusion does not apply. Such a transaction is not temporary financing under § 1003.3(c)(3) merely because its term is short.

2. *Loan or line of credit to construct a dwelling for sale.* A construction-only loan or line of credit is considered temporary financing and excluded under § 1003.3(c)(3) if the loan or line of credit is extended to a person exclusively to construct a dwelling for sale. See comment 3(c)(3)–1.ii through .iv for examples of the reporting requirement for construction loans that are not extended to a person exclusively to construct a dwelling for sale.

* * * * *

Paragraph 3(c)(10)

* * * * *

3. *Examples—covered business- or commercial-purpose transactions.* The following are examples of closed-end mortgage loans and open-end lines of credit that are not excluded from reporting under § 1003.3(c)(10) because, although they primarily are for a business or commercial purpose, they also meet the definition of a home improvement loan under § 1003.2(i), a home purchase loan under § 1003.2(j), or a refinancing under § 1003.2(p):

i. A closed-end mortgage loan or an open-end line of credit to purchase or to improve a multifamily dwelling or a single-family investment property, or a refinancing of a closed-end mortgage loan or an open-end line of credit secured by a multifamily dwelling or a single-family investment property;

ii. A closed-end mortgage loan or an open-end line of credit to improve a doctor's office or a daycare center that is located in a dwelling other than a multifamily dwelling; and

iii. A closed-end mortgage loan or an open-end line of credit to a corporation, if the funds from the loan or line of credit will be used to purchase or to improve a dwelling, or if the transaction is a refinancing.

* * * * *

Paragraph 3(c)(11)

1. *General.* Section 1003.3(c)(11) provides that a closed-end mortgage loan is an excluded transaction if a financial institution originated fewer than 25 closed-end mortgage loans in either of the two preceding calendar years. For example, assume that a bank is a financial institution in 2022 under § 1003.2(g) because it originated 200 open-end lines of credit in 2020, 250 open-end lines of credit in 2021, and met all of the other requirements under § 1003.2(g)(1). Also assume that the bank originated 10 and 20 closed-end mortgage loans in 2020 and 2021, respectively. The open-end lines of credit that the bank originated or purchased, or for which it received applications, during 2022 are covered loans and must be reported, unless they otherwise are excluded transactions under § 1003.3(c). However, the closed-end mortgage loans that the bank originated or purchased, or for which it received applications, during 2022 are excluded transactions under § 1003.3(c)(11) and need not be reported. See comments 4(a)–2 through –4 for guidance about the activities that constitute an origination.

2. *Voluntary reporting.* A financial institution may voluntarily report closed-end mortgage loans and applications for closed-end mortgage loans that are excluded transactions because the financial institution originated fewer than 25 closed-end mortgage loans in either of the two preceding calendar years.

Paragraph 3(c)(12)

1. *General.* Section 1003.3(c)(12) provides that an open-end line of credit is an excluded transaction if a financial institution originated fewer than 100 open-end lines of credit in either of the two preceding calendar years. For example, assume that a bank is a financial institution in 2022 under § 1003.2(g) because it originated 50 closed-end mortgage loans in 2020, 75 closed-end mortgage loans in 2021, and met all of the other requirements under § 1003.2(g)(1). Also assume that the bank originated 75 and 85 open-end lines of credit in 2020 and 2021, respectively. The closed-end mortgage loans that the bank originated or purchased, or for which it received applications, during 2022 are covered loans and must be reported, unless they otherwise are excluded transactions under § 1003.3(c). However, the open-end lines of credit that the bank originated or purchased, or for which it received applications, during 2022 are excluded transactions under § 1003.3(c)(12) and need not be reported. See comments 4(a)-2 through -4 for guidance about the activities that constitute an origination.

2. *Voluntary reporting.* A financial institution voluntarily may report open-end lines of credit and applications for open-end lines of credit that are excluded transactions because the financial institution originated fewer than 100 open-end lines of credit in either of the two preceding calendar years.

Paragraph 3(c)(13)

1. *New funds extended prior to consolidation.* Section 1003.3(c)(13) provides an exclusion from the reporting requirement for a transaction that provided or, in the case of an application, proposed to provide new funds to the borrower in advance of being consolidated in a New York State consolidation, extension, and modification agreement classified as a supplemental mortgage under New York Tax Law section 255 and for which final action is taken on both transactions within the same calendar

year. The excluded transaction provides or proposes to provide funds that are not part of any existing debt obligation of the borrower, and that are then consolidated or proposed to be consolidated with an existing debt obligation or obligations as part of the supplemental mortgage. The new funds are reported only insofar as they form part of the total amount of the reported New York State consolidation, extension, and modification agreement, and not as a separate amount. The exclusion does not apply to similar preliminary transactions that provide or propose to provide new funds to be consolidated not pursuant to New York Tax Law section 255 but under some other law in a transaction that is not an extension of credit. For example, assume a financial institution extends new funds to a consumer in a preliminary transaction that is then consolidated as part of a consolidation, extension and modification agreement pursuant to the law of a State other than New York. If the preliminary extension of new funds is a covered loan, it must be reported. If the consolidation, extension and modification agreement pursuant to the law of a State other than New York is not an extension of credit pursuant to Regulation C, it may not be reported. For discussion of how to report a true cash-out refinancing, see comment 4(a)(3)–2.

Section 1003.4—Compilation of Reportable Data

4(a) Data Format and Itemization

* * * * *

Paragraph 4(a)(1)(i)

* * * * *

3. *ULI—purchased covered loan.* If a financial institution previously has assigned a covered loan with a ULI or reported a covered loan with a ULI under this part, a financial institution that purchases that covered loan must report the same ULI that previously was assigned or reported. For example, if a loan origination previously was reported under this part with a ULI, the financial institution that purchases the covered loan would report the purchase of the covered loan using the same ULI. A financial institution that purchases a covered loan must use the ULI that was assigned by the financial institution that originated the covered loan. A financial institution that purchases a covered loan assigns a ULI and records and submits it in its loan/application register pursuant to § 1003.5(a)(1) if the covered loan was not assigned a ULI by the financial institution that originated the loan because, for example, the loan was originated prior to January 1, 2018 or the loan was originated by a financial institution not required to report under this part.

4. *ULI—reinstated or reconsidered application.* A financial institution may not use a ULI previously reported if it reinstates or reconsiders an application that was reported in a prior calendar year. For example, if a financial institution reports a denied application in its annual 2020 data submission, pursuant to § 1003.5(a)(1), but then reconsiders the application, which results in an origination in 2021, the financial institution reports a denied application under the original ULI in its annual 2020 data submission and an origination with a different ULI in its annual 2021 data submission, pursuant to § 1003.5(a)(1).

* * * * *

Paragraph 4(a)(2)

1. *Loan type—general.* If a covered loan is not, or in the case of an application would not have been, insured by the Federal Housing Administration, guaranteed by the Department of Veterans Affairs, or guaranteed by the Rural Housing Service or the Farm Service Agency, an institution complies with § 1003.4(a)(2) by reporting the covered loan as not insured or guaranteed by the Federal Housing Administration, Department of Veterans Affairs, Rural Housing Service, or Farm Service Agency.

Paragraph 4(a)(3)

* * * * *

6. *Purpose—purchased loans.* For purchased covered loans where origination took place prior to January 1, 2018, a financial institution complies with § 1003.4(a)(3) by reporting that the requirement is not applicable.

* * * * *

Paragraph 4(a)(8)(i)

* * * * *

6. *Action taken—file closed for incompleteness.* A financial institution reports that the file was closed for incompleteness if the financial institution sent a written notice of incompleteness under Regulation B, 12 CFR 1002.9(c)(2), and the applicant did not respond to the request for additional information within the period of time specified in the notice before the applicant satisfies all underwriting or creditworthiness conditions. See comment 4(a)(8)(i)–13. If a financial institution then provides a notification of adverse action on the basis of incompleteness under Regulation B, 12 CFR 1002.9(c)(1)(i), the financial institution may report the action taken as either file closed for incompleteness or application denied. A preapproval request that is closed for incompleteness is not reportable under HMDA. *See* § 1003.4(a).

* * * * *

9. *Action taken—counteroffers.* If a financial institution makes a counteroffer to lend on terms different from the applicant's initial request (for example, for a shorter loan maturity, with a different interest rate, or in a different amount) and the applicant declines to proceed with the counteroffer or fails to respond, the institution reports the action taken as a denial on the original terms requested by the applicant. If the applicant agrees to proceed with consideration of the financial institution's counteroffer, the counteroffer takes the place of the prior application, and the financial institution reports the action taken in relation to the terms of the counteroffer. For example, assume a financial institution makes a counteroffer and the applicant agrees to proceed with consideration of the counteroffer, and the financial institution sends the applicant a conditional approval letter stating the conditions to be met in order to originate the counteroffer. The financial institution reports the action taken on the application in accordance with comment 4(a)(8)(i)–13 regarding conditional approvals.

* * * * *

Paragraph 4(a)(9)(i)

* * * * *

3. *Property address—not applicable.* A financial institution complies with § 1003.4(a)(9)(i) by reporting that the requirement is not applicable if the property address of the property securing the covered loan is not known. For example, if the property did not have a property address at closing or if the applicant did not provide the property address of the property to the financial institution before the application was denied, withdrawn, or closed for incompleteness, the financial institution complies with § 1003.4(a)(9)(i) by reporting that the requirement is not applicable.

Paragraph 4(a)(9)(ii)(A)

1. *Applications—State not provided.* When reporting an application, a financial institution complies with § 1003.4(a)(9)(ii)(A) by reporting that the requirement is not applicable if the State in which the property is located is not known before the application was denied, withdrawn, or closed for incompleteness.

Paragraph 4(a)(9)(ii)(B)

* * * * *

2. *Applications—county not provided.* When reporting an application, a financial institution complies with § 1003.4(a)(9)(ii)(B) by reporting that the requirement is not applicable if the county in which the property is located is not known before the application was denied, withdrawn, or closed for incompleteness.

Paragraph 4(a)(9)(ii)(C)

* * * * *

2. *Applications—census tract not provided.* When reporting an application, a financial institution complies with § 1003.4(a)(9)(ii)(C) by reporting that the requirement is not applicable if the census tract in which the property is located is not known before the application was denied, withdrawn, or closed for incompleteness.

* * * * *

Paragraph 4(a)(10)(ii)

* * * * *

3. *Applicant data—purchased loan.* A financial institution complies with § 1003.4(a)(10)(ii) by reporting that the requirement is not applicable when reporting a purchased loan for which the institution chooses not to report the age.

* * * * *

Paragraph 4(a)(10)(iii)

* * * * *

4. *Income data—assets.* A financial institution does not include as income amounts considered in making a credit decision based on factors that an institution relies on in addition to income, such as amounts derived from underwriting calculations of the potential annuitization or depletion of an applicant's remaining assets.

Actual distributions from retirement accounts or other assets that are relied on by the financial institution as income should be reported as income. The interpretation of income in this paragraph does not affect § 1003.4(a)(23), which requires, except for purchased covered loans, the collection of the ratio of the applicant's or borrower's total monthly debt to the total monthly income relied on in making the credit decision.

* * * * *

Paragraph 4(a)(12)

1. *Average prime offer rate.* Average prime offer rates are annual percentage rates derived from average interest rates and other loan pricing terms offered to borrowers by a set of creditors for mortgage loans that have low-risk pricing characteristics. Other loan pricing terms may include commonly used indices, margins, and initial fixed-rate periods for variable-rate transactions. Relevant pricing characteristics may include a consumer's credit history and transaction characteristics such as the loan-to-value ratio, owner-occupant status, and purpose of the transaction. To obtain average prime offer rates, the Bureau uses creditor data by transaction type.

2. *Bureau tables.* The Bureau publishes tables of current and historic average prime offer rates by transaction type on the FFIEC's Web site (*http://www.ffiec.gov/hmda*) and the Bureau's Web site (*http://www.consumerfinance.gov*). The Bureau calculates an annual percentage rate, consistent with Regulation Z (*see* 12 CFR 1026.22 and part 1026, appendix J), for each transaction type for which pricing terms are available from the creditor data described in comment 4(a)(12)–1. The Bureau uses loan pricing terms available in the creditor data and other information to estimate annual percentage rates for other types of transactions for which the creditor data are limited or not available. The Bureau publishes on the FFIEC's Web site and the Bureau's Web site the methodology it uses to arrive at these estimates. A financial institution may either use the average prime offer rates published by the Bureau or may determine average prime offer rates itself by employing the methodology published on the FFIEC's Web site and the Bureau's Web site. A financial institution that determines average prime offer rates itself, however, is responsible for correctly determining the rates in accordance with the published methodology.

3. *Rate spread calculation—annual percentage rate.* The requirements of § 1003.4(a)(12)(i) refer to the covered loan's annual percentage rate. A financial institution complies with § 1003.4(a)(12)(i) by relying on the annual percentage rate for the covered loan, as calculated and disclosed pursuant to Regulation Z, 12 CFR 1026.18 or 1026.38 (for closed-end mortgage loans) or 1026.6 (for open-end lines of credit), as applicable.

* * * * *

5. *Rate-set date.* The relevant date to use to determine the average prime offer rate for a comparable transaction is the date on which the covered loan's interest rate was set by the financial institution for the final time before closing or account opening.

i. *Rate-lock agreement.* If an interest rate is set pursuant to a ''lock-in'' agreement between the financial institution and the borrower, then the date on which the agreement fixes the interest rate is the date the rate was set. Except as provided in comment 4(a)(12)–5.ii, if a rate is reset after a lock-in agreement is executed (for example, because the borrower exercises a float-down option or the agreement expires), then the relevant date is the date the financial institution exercises discretion in setting the rate for the final time before closing or account opening. The same rule applies when a rate-lock agreement is extended and the rate is reset at the same rate, regardless of whether market rates have increased, decreased, or remained the same since the initial rate was set. If no lock-in agreement is executed, then the relevant date is the date on which the institution sets the rate for the final time before closing or account opening.

ii. *Change in loan program.* If a financial institution issues a rate-lock commitment under one loan program, the borrower subsequently changes to another program that is subject to different pricing terms, and the financial institution changes the rate promised to the borrower under the rate-lock commitment accordingly, the rate-set date is the date of the program change. However, if the financial institution changes the promised rate to the rate that would have been available to the borrower under the new program on the date of the original rate-lock commitment, then that is the date the rate is set, provided the financial institution consistently follows that practice in all such cases or the original rate-lock agreement so provided. For example, assume that a borrower locks a rate of 2.5 percent on June 1 for a 30-year, variable-rate loan with a 5-year, fixed-rate introductory period. On June 15, the borrower decides to switch to a 30-year, fixed-rate loan, and the rate available to the borrower for that product on June 15 is 4.0 percent. On June 1, the 30-year, fixed-rate loan would have been available to the borrower at a rate of 3.5 percent. If the financial institution offers the borrower the 3.5 percent rate (*i.e.,* the rate that would have been available to the borrower for the fixed-rate product on June 1, the date of the original rate-lock) because the original agreement so provided or because the financial institution consistently follows that practice for borrowers who change loan programs, then the financial institution should use June 1 as the rate-set date. In all other cases, the financial institution should use June 15 as the rate-set date.

iii. *Brokered loans.* When a financial institution has reporting responsibility for an application for a covered loan that it received from a broker, as discussed in comment 4(a)–2 (*e.g.,* because the financial institution makes a credit decision prior to closing or account opening), the rate-set date is the last date the financial institution set the rate with the broker, not the date the broker set the borrower's rate.

* * * * *

8. *Application approved but not accepted or preapproval request approved but not accepted.* In the case of an application approved but not accepted or a preapproval request that was approved but not accepted, § 1003.4(a)(12) requires a financial institution to report the applicable rate spread. In such cases, the financial institution would provide early disclosures under Regulation Z, 12 CFR 1026.18 or 1026.37 (for closed-end mortgage loans) or 1026.40 (for open-end lines of credit), but could never provide any subsequent disclosures. In such cases where no subsequent disclosures are provided, a financial institution complies with § 1003.4(a)(12)(i) by relying on the annual percentage rate for the application or preapproval request, as calculated and disclosed pursuant to Regulation Z, 12 CFR 1026.18 or 1026.37 (for closed-end mortgage loans) or 1026.40 (for open-end lines of credit), as applicable.

9. *Corrected disclosures.* In the case of an application approved but not accepted or a preapproval request that was approved but not accepted, if the annual percentage rate changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(a), pursuant to 12 CFR 1026.19(a)(2), under 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), or under 12 CFR 1026.6(a), the financial institution complies with § 1003.4(a)(12)(i) by comparing the corrected and disclosed annual percentage rate to the most recently available average prime offer rate that was in effect for a comparable transaction as of the rate-set date, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(12), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). The corrected disclosure does not affect the rate-set date. See comment 4(a)(12)–5. For example, in the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1), if the financial institution provides a corrected disclosure to the borrower pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), that reflects a corrected annual percentage rate, the financial institution reports the difference between the corrected annual percentage rate and the most recently available average prime offer rate that was in effect for a comparable transaction as of the rate-set date if the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

* * * * *

Paragraph 4(a)(15)

* * * * *

2. *Credit score—multiple credit scores.* When a financial institution obtains or creates two or more credit scores for a single applicant or borrower but relies on only one score in making the credit decision (for example, by relying on the lowest, highest, most recent, or average of all of the scores), the financial institution complies with § 1003.4(a)(15) by reporting that credit score and information about the scoring model used. When a financial institution uses more than one credit scoring model and combines the scores into a composite credit score that

it relies on, the financial institution reports that score and reports that more than one credit scoring model was used. When a financial institution obtains or creates two or more credit scores for an applicant or borrower and relies on multiple scores for the applicant or borrower in making the credit decision (for example, by relying on a scoring grid that considers each of the scores obtained or created for the applicant or borrower without combining the scores into a composite score), § 1003.4(a)(15) requires the financial institution to report one of the credit scores for the applicant or borrower that was relied on in making the credit decision. In choosing which credit score to report in this circumstance, a financial institution need not use the same approach for its entire HMDA submission, but it should be generally consistent (such as by routinely using one approach within a particular division of the institution or for a category of covered loans). In instances such as these, the financial institution should report the name and version of the credit scoring model for the score reported.

3. *Credit score—multiple applicants or borrowers.* In a transaction involving two or more applicants or borrowers for which the financial institution obtains or creates a single credit score, and relies on that credit score in making the credit decision for the transaction, the institution complies with § 1003.4(a)(15) by reporting that credit score for the applicant and reporting that the requirement is not applicable for the first co-applicant or, alternatively, by reporting that credit score for the first co-applicant and reporting that the requirement is not applicable for the applicant. Otherwise, a financial institution complies with § 1003.4(a)(15) by reporting a credit score for the applicant that it relied on in making the credit decision, if any, and a credit score for the first co-applicant that it relied on in making the credit decision, if any. To illustrate, assume a transaction involves one applicant and one co-applicant and that the financial institution obtains or creates two credit scores for the applicant and two credit scores for the co-applicant. Assume further that the financial institution relies on a single credit score that is the lowest, highest, most recent, or average of all of the credit scores obtained or created to make the credit decision for the transaction. The financial institution complies with § 1003.4(a)(15) by reporting that credit score and information about the scoring model used for the applicant and reporting that the requirement is not applicable for the first co-applicant or, alternatively, by reporting the data for the first co-applicant and reporting that the requirement is not applicable for the applicant. Alternatively, assume a transaction involves one applicant and one co-applicant and that the financial institution obtains or creates three credit scores for the applicant and three credit scores for the co-applicant. Assume further that the financial institution relies on the middle credit score for the applicant and the middle credit score for the co-applicant to make the credit decision for the transaction. The financial institution complies with § 1003.4(a)(15) by reporting both the middle score for the applicant and the middle score for the co-applicant.

* * * * *

Paragraph 4(a)(17)(i)

* * * * *

3. *Corrected disclosures.* If the amount of total loan costs changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), the financial institution complies with § 1003.4(a)(17)(i) by reporting the corrected amount, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(17)(i), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). For example, in the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of total loan costs only if the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

* * * * *

Paragraph 4(a)(18)

* * * * *

3. *Corrected disclosures.* If the total amount of borrower-paid origination charges changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), the financial institution complies with § 1003.4(a)(18) by reporting the corrected amount, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(18), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). For example, in the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of origination charges only if the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

Paragraph 4(a)(19)

* * * * *

3. *Corrected disclosures.* If the amount of discount points changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), the financial institution complies with § 1003.4(a)(19) by reporting the corrected amount, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(19), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). For example, in the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of discount points only if the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

Paragraph 4(a)(20)

* * * * *

3. *Corrected disclosures.* If the amount of lender credits changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), the financial institution complies with § 1003.4(a)(20) by reporting the corrected amount, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(20), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). For example, in the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of lender credits only if the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

Paragraph 4(a)(21)

1. *Interest rate—disclosures.* Section 1003.4(a)(21) requires a financial institution to identify the interest rate applicable to the approved application, or to the covered loan at closing or account opening. For covered loans or applications subject to the integrated mortgage disclosure requirements of Regulation Z, 12 CFR 1026.19(e) and (f), a financial institution complies with § 1003.4(a)(21) by reporting the interest rate disclosed on the applicable disclosure. For covered loans or approved applications for which disclosures were provided pursuant to both Regulation Z, 12 CFR 1026.19(e) and (f), a financial institution reports the interest rate disclosed pursuant to 12 CFR 1026.19(f). A financial institution may rely on the definitions and commentary to the sections of Regulation Z relevant to the disclosure of the interest rate pursuant to 12 CFR 1026.19(e) or (f). If a financial institution provides a revised or corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(e) or (f), pursuant to 12 CFR 1026.19(e)(3)(iv) or (f)(2), as applicable, the financial institution complies with § 1003.4(a)(21) by reporting the interest rate

on the revised or corrected disclosure, provided that the revised or corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(21), the date the revised or corrected disclosure was provided to the borrower is date disclosed pursuant to Regulation Z, 12 CFR 1026.37(a)(4) or 1026.38(a)(3)(i), as applicable.

* * * * *

Paragraph 4(a)(24)

* * * * *

2. *Transactions for which a combined loan-to-value ratio was one of multiple factors.* A financial institution relies on the ratio of the total amount of debt secured by the property to the value of the property (combined loan-to-value ratio) in making the credit decision if the combined loan-to-value ratio was a factor in the credit decision even if it was not a dispositive factor. For example, if the combined loan-to-value ratio is one of multiple factors in a financial institution's credit decision, the financial institution has relied on the combined loan-to-value ratio and complies with § 1003.4(a)(24) by reporting the combined loan-to-value ratio, even if the financial institution denies the application because one or more underwriting requirements other than the combined loan-to-value ratio are not satisfied.

* * * * *

6. *Property.* A financial institution reports the combined loan-to-value ratio relied on in making the credit decision, regardless of which property or properties it used in the combined loan-to-value ratio calculation. The property used in the combined loan-to-value ratio calculation does not need to be the property identified in § 1003.4(a)(9) and may include more than one property and non-real property. For example, if a financial institution originated a covered loan for the purchase of a multifamily dwelling, and the loan was secured by the multifamily dwelling and by non-real property, such as securities, and the financial institution used the multifamily dwelling and the non-real property to calculate the combined loan-to-value ratio that it relied on in making the credit decision, § 1003.4(a)(24) requires the financial institution to report the relied upon ratio. Section 1003.4(a)(24) does not require a financial institution to use a particular combined loan-to-value ratio calculation method but instead requires financial institutions to report the combined loan-to-value ratio relied on in making the credit decision.

* * * * *

Paragraph 4(a)(26)

* * * * *

5. *Non-monthly introductory periods.* If a covered loan or application includes an introductory interest rate period measured in a unit of time other than months, the financial institution complies with § 1003.4(a)(26) by reporting the introductory interest rate period for the covered loan or application using an equivalent number of whole months without regard for any remainder. For example, assume an open-end line of credit contains an introductory interest rate for 50 days after the date of account opening, after which the interest rate may adjust. In this example, the financial institution complies with § 1003.4(a)(26) by reporting the number of months as ''1.'' The financial institution must report one month for any introductory interest rate period that totals less than one whole month.

* * * * *

Paragraph 4(a)(34)

* * * * *

4. *Purchased loans.* If a financial institution purchases a covered loan that satisfies the coverage criteria of Regulation Z, 12 CFR 1026.36(g) and that was originated prior to January 10, 2014, the financial institution complies with § 1003.4(a)(34) by reporting that the requirement is not applicable. In addition, if a financial institution purchases a covered loan that does not satisfy the coverage criteria of Regulation Z, 12 CFR 1026.36(g) and that was originated prior to January 1, 2018, the financial institution complies with § 1003.4(a)(34) by reporting that the requirement is not applicable. Purchasers of both such types of covered loans may report the NMLSR ID voluntarily.

Paragraph 4(a)(35)

* * * * *

2. *Definition of automated underwriting system.* A financial institution must report the information required by § 1003.4(a)(35)(i) if the financial institution uses an automated underwriting system (AUS), as defined in § 1003.4(a)(35)(ii), to evaluate an application. To be covered by the definition in § 1003.4(a)(35)(ii), a system must be an electronic tool that has been developed by a securitizer, Federal government insurer, or a Federal government guarantor of closed-end mortgage loans or open-end lines of credit. A person is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, if it has securitized, provided Federal government insurance, or provided a Federal government guarantee for a closed-end mortgage loan or open-end line of credit at any point in time. A person may be a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, for purposes of § 1003.4(a)(35) even if it is not actively securitizing, insuring, or guaranteeing closed-end mortgage loans or open-end lines of credit at the time a financial institution uses the AUS to evaluate an application. Where the person that developed the electronic tool has never been a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, at the time a financial institution uses the tool to evaluate an application, the financial institution complies with § 1003.4(a)(35) by reporting that the requirement is not applicable since an AUS was not used to evaluate the application. If a financial institution has developed its own proprietary system that it uses to evaluate an application and the financial institution is also a securitizer, then the financial institution complies with § 1003.4(a)(35) by reporting the name of that system and the result generated by that system. On the other hand, if a financial institution has developed its own proprietary system that it uses to evaluate an application but the financial institution is not a securitizer, then the financial institution is not required by § 1003.4(a)(35) to report the use of that system and the result generated by that system. In addition, in order for an AUS to be covered by the definition in § 1003.4(a)(35)(ii), the system must provide a result regarding both the credit risk of the applicant and the eligibility of the covered loan to be originated, purchased, insured, or guaranteed by the securitizer, Federal government insurer, or Federal government guarantor that developed the system being used to evaluate the application. For example, if a system is an electronic tool that provides a determination of the eligibility of the covered loan to be originated, purchased, insured, or guaranteed by the securitizer, Federal government insurer, or Federal government guarantor that developed the system being used by a financial institution to evaluate the application, but the system does not also provide an assessment of the creditworthiness of the applicant—such as, an evaluation of the applicant's income, debt, and credit history—then that system does not qualify as an AUS, as defined in § 1003.4(a)(35)(ii). A financial institution that uses a system that is not an AUS, as defined in § 1003.4(a)(35)(ii), to evaluate an application does not report the information required by § 1003.4(a)(35)(i).

* * * * *

7. *Determination of securitizer, Federal government insurer, or Federal government guarantor.* Section 1003.4(a)(35)(ii) provides that an ''automated underwriting system'' means an electronic tool developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit that provides a result regarding the credit risk of the applicant and whether the covered loan is eligible to be originated, purchased, insured, or guaranteed by that securitizer, Federal government insurer, or Federal government guarantor. A person is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, respectively, if it has ever securitized, insured, or guaranteed a closed-end mortgage loan or open-end line of credit. If a financial institution knows or reasonably believes that the system it is using to evaluate an application is an electronic tool that has been developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, then the financial institution complies with § 1003.4(a)(35) by reporting the name of that system and the result generated by that system. Knowledge or reasonable belief could, for example, be based on a sales agreement or other related documents, the financial institution's previous transactions or relationship with the developer of the electronic tool, or representations made by the developer of the electronic tool demonstrating that the

developer of the electronic tool is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit. If a financial institution does not know or reasonably believe that the system it is using to evaluate an application is an electronic tool that has been developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit, the financial institution complies with § 1003.4(a)(35) by reporting that the requirement is not applicable, provided that the financial institution maintains procedures reasonably adapted to determine whether the electronic tool it is using to evaluate an application meets the definition in § 1003.4(a)(35)(ii). Reasonably adapted procedures include attempting to determine with reasonable frequency, such as annually, whether the developer of the electronic tool is a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit. For example:

i. In the course of renewing an annual sales agreement the developer of the electronic tool represents to the financial institution that it has never been a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit. On this basis, the financial institution does not know or reasonably believe that the system it is using to evaluate an application is an electronic tool that has been developed by a securitizer, Federal government insurer, or Federal government guarantor of closed-end mortgage loans or open-end lines of credit and complies with § 1003.4(a)(35) by reporting that the requirement is not applicable.

ii. Based on their previous transactions a financial institution is aware that the developer of the electronic tool it is using to evaluate an application has securitized a closed-end mortgage loan or open-end line of credit in the past. On this basis, the financial institution knows or reasonably believes that the developer of the electronic tool is a securitizer and complies with § 1003.4(a)(35) by reporting the name of that system and the result generated by that system.

* * * * *

Section 1003.6—Enforcement

6(b) Bona Fide Errors

1. *Information from third parties.* Section 1003.6(b) provides that an error in compiling or recording data for a covered loan or application is not a violation of the Act or this part if the error was unintentional and occurred despite the maintenance of procedures reasonably adapted to avoid such an error. A financial institution that obtains the required data, such as property-location information, from third parties is responsible for ensuring that the information reported pursuant to § 1003.5 is correct. See comment 6(b)–2 concerning obtaining census tract information from the geocoding tool provided by the Bureau.

2. *Information from the Bureau.* Section 1003.6(b)(2) provides that an incorrect entry for census tract number is deemed a bona fide error, and is not a violation of the Act or this part, provided that the financial institution maintains procedures reasonably adapted to avoid an error. The Bureau makes available on its Web site a geocoding tool (the Bureau's geocoding tool) that identifies the census tract of a property using property addresses entered by users. Obtaining the census tract numbers for covered loans and applications from the Bureau's geocoding tool is an example of a procedure reasonably adapted to avoid errors under § 1003.6(b)(2). Accordingly, a census tract error is not a violation of the Act or this part if the financial institution obtained the census tract number from the Bureau's geocoding tool. However, a financial institution's failure to provide the correct census tract number for a covered loan or application on its loan/application register, as required by § 1003.4(a)(9)(ii)(C) or § 1003.4(e), because the Bureau's geocoding tool did not provide a census tract number for the property address entered by the financial institution is not excused as a bona fide error. In addition, a census tract error caused by a financial institution entering an inaccurate property address into the Bureau's geocoding tool is not excused as a bona fide error.

[The following amendments would be effective January 1, 2019, further amending the sections as amended October 28, 2015, at 80 FR 66127.]

■ 8. Section 1003.5 is further amended by revising paragraph (a)(3)(ii) to read as follows:

§ 1003.5 Disclosure and reporting.

(a) * * *

(3) * * *

(ii) The calendar year the data submission covers pursuant to paragraph (a)(1)(i) of this section;

* * * * *

■ 9. § 1003.6 is further amended by redesignating paragraph (c)(1) as paragraph (c) and removing paragraph (c)(2).

§ 1003.6 Enforcement. [Further amended]

[The following amendments would be effective January 1, 2020, further amending the sections as amended October 28, 2015, at 80 FR 66127.]

■ 10. Section 1003.5 is further amended by revising paragraph (a)(3)(ii) to read as follows:

§ 1003.5 Disclosure and reporting.

(a) * * *

(3) * * *

(ii) The calendar year the data submission covers pursuant to paragraph (a)(1)(i) of this section or calendar quarter and year the data submission covers pursuant to paragraph (a)(1)(ii) of this section;

* * * * *

■ 11. Section 1003.6 is further amended by redesignating paragraph (c) as paragraph (c)(1) and by adding paragraph (c)(2) to read as follows:

§ 1003.6 Enforcement.

* * * * *

(c) * * *

(2) If a financial institution required to comply with § 1003.5(a)(1)(ii) makes a good-faith effort to report all data required to be reported pursuant to § 1003.5(a)(1)(ii) fully and accurately within 60 calendar days after the end of each calendar quarter, and some data are nevertheless inaccurate or incomplete, the inaccuracy or omission is not a violation of the Act or this part provided that the institution corrects or completes the data prior to submitting its annual loan/application register pursuant to § 1003.5(a)(1)(i).

■ 12. In Supplement I to Part 1003—Official Interpretations:

■ a. Under *Section 1003.4*—Compilation of Reportable Data:

■ i. Under *4(a) Data format and itemization:*

■ A. Under *Paragraph 4(a)(1)(i),* paragraphs 3 and 4 are revised.

■ B. Under *Paragraph 4(a)(12),* paragraph 9 is revised.

■ C. Under *Paragraph 4(a)(17)(i),* paragraph 3 is revised.

■ D. Under *Paragraph 4(a)(18),* paragraph 3 is revised.

■ E. Under *Paragraph 4(a)(19),* paragraph 3 is revised.

■ F. Under *Paragraph 4(a)(20),* paragraph 3 is revised.

Supplement I to Part 1003—Official Interpretations

* * * * *

Section 1003.4—Compilation of Reportable Data

4(a) Data Format and Itemization

* * * * *

Paragraph 4(a)(1)(i)

* * * * *

3. *ULI—purchased covered loan.* If a financial institution has previously assigned a covered loan with a ULI or reported a covered loan with a ULI under this part, a financial institution that purchases that covered loan must report the same ULI that was previously assigned or reported. For example, if a financial institution that submits an annual loan/application register pursuant to § 1003.5(a)(1)(i) originates a covered loan that is purchased by a financial institution that also submits an annual loan/application register pursuant to § 1003.5(a)(1)(i), the financial institution that purchases the covered loan must report the purchase of the covered loan using the same ULI that was reported by the originating financial institution. If a financial institution that originates a covered loan has previously assigned the covered loan with a ULI under this part but has not yet reported the covered loan, a financial institution that purchases that covered loan must report the same ULI that was previously assigned. For example, if a financial institution that submits an annual

loan/application register pursuant to § 1003.5(a)(1)(i) (Institution A) originates a covered loan that is purchased by a financial institution that submits a quarterly loan/application register pursuant to § 1003.5(a)(1)(ii) (Institution B), then Institution B must report the ULI that was assigned by Institution A on Institution B's quarterly loan/application register pursuant to § 1003.5(a)(1)(ii), even though Institution A has not yet submitted its annual loan/application register pursuant to § 1003.5(a)(1)(i). A financial institution that purchases a covered loan must assign it a ULI pursuant to § 1003.4(a)(1)(i) and report it pursuant to § 1003.5(a)(1)(i) or (ii), whichever is applicable, if the covered loan was not assigned a ULI by the financial institution that originated the loan because, for example, the loan was originated prior to January 1, 2018 or the loan was originated by a financial institution not required to report under this part.

4. *ULI—reinstated or reconsidered application.* A financial institution may, at its option, report a ULI previously reported under this part if, during the same calendar year, an applicant asks the institution to reinstate a counteroffer that the applicant previously did not accept or asks the financial institution to reconsider an application that was previously denied, withdrawn, or closed for incompleteness. For example, if a financial institution reports a denied application in its second-quarter 2020 data submission, pursuant to § 1003.5(a)(1)(ii), but then reconsiders the application, which results in an origination in the third quarter of 2020, the financial institution may report the origination in its third-quarter 2020 data submission using the same ULI that was reported for the denied application in its second-quarter 2020 data submission, so long as the financial institution treats the origination as the same transaction for reporting. However, a financial institution may not use a ULI previously reported if it reinstates or reconsiders an application that was reported in a prior calendar year. For example, if a financial institution reports a denied application in its fourth-quarter 2020 data submission, pursuant to § 1003.5(a)(1)(ii), but then reconsiders the application, which results in an origination in the first quarter of 2021, the financial institution reports a denied application under the original ULI in its fourth-quarter 2020 data submission and an origination with a different ULI in its first-quarter 2021 data submission, pursuant to § 1003.5(a)(1)(ii).

* * * * *

Paragraph 4(a)(12)

* * * * *

9. *Corrected disclosures.* In the case of an application approved but not accepted or a preapproval request that was approved but not accepted, if the annual percentage rate changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(a), pursuant to 12 CFR 1026.19(a)(2), under 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), or under 12 CFR 1026.6(a), the financial institution complies with § 1003.4(a)(12)(i) by comparing the corrected and disclosed annual percentage rate to the most recently available average prime offer rate that was in effect for a comparable transaction as of the rate-set date, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(12), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). The corrected disclosure does not affect the rate-set date. See comment 4(a)(12)–5. For example:

i. In the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1)(i), if the financial institution provides a corrected disclosure pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), that reflects a corrected annual percentage rate, the financial institution reports the difference between the corrected annual percentage rate and the most recently available average prime offer rate that was in effect for a comparable transaction as of the rate-set date only if the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

ii. In the case of a financial institution's quarterly submission made pursuant to § 1003.5(a)(1)(ii), if the financial institution provides a corrected disclosure pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), that reflects a corrected annual percentage rate, the financial institution reports the difference between the corrected annual percentage rate and the most recently available average prime offer rate that was in effect for a comparable transaction as of the rate-set date only if the corrected disclosure was provided to the borrower prior to the end of the quarter in which final action is taken. The financial institution does not report the difference between the corrected annual percentage rate and the most recently available average prime offer rate that was in effect for a comparable transaction as of the rate-set date if the corrected disclosure was provided to the borrower after the end of the quarter in which final action is taken, even if the corrected disclosure was provided to the borrower prior to the deadline for timely submission of the financial institution's quarterly data. However, the financial institution reports the difference between the corrected annual percentage rate and the most recently available average prime offer rate that was in effect for a comparable transaction as of the rate-set date on its annual loan/application register, provided that the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

* * * * *

Paragraph 4(a)(17)(i)

* * * * *

3. *Corrected disclosures.* If the amount of total loan costs changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), the financial institution complies with § 1003.4(a)(17)(i) by reporting the corrected amount, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(17)(i), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). For example:

i. In the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1)(i), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of total loan costs only if the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

ii. In the case of a financial institution's quarterly submission made pursuant to § 1003.5(a)(1)(ii), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of total loan costs only if the corrected disclosure was provided to the borrower prior to the end of the quarter in which final action is taken. The financial institution does not report the corrected amount of total loan costs in its quarterly submission if the corrected disclosure was provided to the borrower after the end of the quarter in which final action is taken, even if the corrected disclosure was provided to the borrower prior to the deadline for timely submission of the financial institution's quarterly data. However, the financial institution reports the corrected amount of total loan costs on its annual loan/application register, provided that the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

* * * * *

Paragraph 4(a)(18)

* * * * *

3. *Corrected disclosures.* If the total amount of borrower-paid origination charges changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), the financial institution complies with § 1003.4(a)(18) by reporting the corrected amount, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(18), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). For example:

i. In the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1)(i), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of total loan costs only if the corrected disclosure was

provided to the borrower prior to the end of the calendar year in which final action is taken.

ii. In the case of a financial institution's quarterly submission made pursuant to § 1003.5(a)(1)(ii), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of origination charges only if the corrected disclosure was provided to the borrower prior to the end of the quarter in which final action is taken. The financial institution does not report the corrected amount of borrower-paid origination charges in its quarterly submission if the corrected disclosure was provided to the borrower after the end of the quarter in which final action is taken, even if the corrected disclosure was provided to the borrower prior to the deadline for timely submission of the financial institution's quarterly data. However, the financial institution reports the corrected amount of borrower-paid origination charges on its annual loan/application register, provided that the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

Paragraph 4(a)(19)

* * * * *

3. *Corrected disclosures.* If the amount of discount points changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), the financial institution complies with § 1003.4(a)(19) by reporting the corrected amount, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(19), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). For example:

i. In the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1)(i), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of discount points only if the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

ii. In the case of a financial institution's quarterly submission made pursuant to § 1003.5(a)(ii), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of discount points only if the corrected disclosure was provided to the borrower prior to the end of the quarter in which final action is taken. The financial institution does not report the corrected amount of discount points in its quarterly submission if the corrected disclosure was provided to the borrower after the end of the quarter in which final action is taken, even if the corrected disclosure was provided to the borrower prior to the deadline for timely submission of the financial institution's quarterly data. However, the financial institution reports the corrected amount of discount points on its annual loan/application register, provided that the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

Paragraph 4(a)(20)

* * * * *

3. *Corrected disclosures.* If the amount of lender credits changes because a financial institution provides a corrected version of the disclosures required under Regulation Z, 12 CFR 1026.19(f), pursuant to 12 CFR 1026.19(f)(2), the financial institution complies with § 1003.4(a)(20) by reporting the corrected amount, provided that the corrected disclosure was provided to the borrower prior to the end of the reporting period in which final action is taken. For purposes of § 1003.4(a)(20), the date the corrected disclosure was provided to the borrower is the date disclosed pursuant to Regulation Z, 12 CFR 1026.38(a)(3)(i). For example:

i. In the case of a financial institution's annual loan/application register submission made pursuant to § 1003.5(a)(1)(i), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of lender credits only if the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

ii. In the case of a financial institution's quarterly submission made pursuant to § 1003.5(a)(1)(ii), if the financial institution provides a corrected disclosure to the borrower to reflect a refund made pursuant to Regulation Z, 12 CFR 1026.19(f)(2)(v), the financial institution reports the corrected amount of lender credits only if the corrected disclosure was provided to the borrower prior to the end of the quarter in which final action is taken. The financial institution does not report the corrected amount of lender credits in its quarterly submission if the corrected disclosure was provided to the borrower after the end of the quarter in which final action is taken, even if the corrected disclosure was provided to the borrower prior to the deadline for timely submission of the financial institution's quarterly data. However, the financial institution reports the corrected amount of lender credits on its annual loan/application register, provided that the corrected disclosure was provided to the borrower prior to the end of the calendar year in which final action is taken.

Dated: April 13, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017–07838 Filed 4–24–17; 8:45 am]

BILLING CODE 4810–AM–P

Reader Aids

Federal Register

Vol. 82, No. 78

Tuesday, April 25, 2017

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations
General Information, indexes and other finding aids **202–741–6000**
Laws **741–6000**

Presidential Documents
Executive orders and proclamations **741–6000**
The United States Government Manual **741–6000**

Other Services
Electronic and on-line services (voice) **741–6020**
Privacy Act Compilation **741–6050**
Public Laws Update Service (numbers, dates, etc.) **741–6043**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, APRIL

16101–16286 3
16287–16508 4
16509–16724 5
16725–16890 6
16891–17096 7
17097–17378 10
17379–17530 11
17531–17744 12
17745–17932 13
17933–18078 14
18079–18214 17
18215–18382 18
18383–18546 19
18547–18686 20
18687–18840 21
18841–18974 24
18975–19178 25

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
9588 17377
9589 17529
9590 17745
9591 17747
9592 18545

Executive Orders:
13775 (Revoked by EO 13787) 16723
13784 16279
13785 16719
13786 16721
13787 16723
13788 18837

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
Memorandum of March 19, 2017 17375
Memorandum of April 12, 2017 18077
Notices:
Notice of April 6, 2017 17095

5 CFR

Proposed Rules:
1631 16744

7 CFR

1436 16101

Proposed Rules:
1051 18721

9 CFR

201 17531

Proposed Rules:
201 17594

10 CFR

72 17749

proposed rules:
50 17768
52 17768

12 CFR

201 18215
204 18216
Ch. X 18687
1005 18975
1026 18975
1238 17933

Proposed Rules:
1002 16307
1003 19142

13 CFR

Proposed Rules:
121 18253

14 CFR

13 17097
23 18841
25 ..... 16891, 16893, 17101, 17531
39 ..... 16101, 16725, 16728, 16895, 16897, 17103, 17107, 17112, 17533, 17537, 17540, 17542, 17749, 17933, 18079, 18082, 18084, 18547, 18690, 18694, 18843, 18845, 18849
71 ..... 16898, 16899, 16901, 17379, 18550, 18551, 18852, 18854, 18855, 18856, 18981, 18983
73 17936
97 ..... 17114, 17116, 17117
406 17097

Proposed Rules:
23 17943
39 ..... 16138, 16948, 17154, 17156, 17403, 17594, 17770, 17773, 17945, 18265, 18402, 18588, 18590, 18722
71 ..... 16140, 16952, 16953, 16955, 16957, 16958, 16960, 16962, 17158, 17160, 17776, 17778, 18406, 18593, 18594, 18596, 18598, 18600, 18874, 18875, 19007, 19008

15 CFR

30 18383
744 ..... 16730, 18217
902 16478
950 18220
2004 18985
2005 18985

16 CFR

Proposed Rules:
312 19009
1112 16963
1130 16963
1236 16963
1500 17947
1507 17947

17 CFR

210 17545

227.....17545
229.....17545
230.....17545
239.....17545
240.....17545
249.....17545
Proposed Rules:
210.....18877
211.....18877
229.....18877
231.....18877
241.....18877

20 CFR

401.....16509

21 CFR

1.....16733
1308.....17119
Proposed Rules:
73.....16321
573.....18268

22 CFR

Proposed Rules:
96.....16322

29 CFR

2510.....16902
4022.....17938

30 CFR

1241.....18858
Proposed Rules:
901.....16975
1202.....16323, 16325
1206.....16323, 16325

33 CFR

100 .....16105, 17557, 17751, 18221, 18393, 18556, 18696, 18860, 18862
117 .....16105, 16106, 16735, 16918, 17124, 17560, 17561, 17939, 18088, 18223, 18989, 18990
165 .....16107, 16109, 16111, 16112, 16114, 16510, 17124, 17754, 17940, 18224, 18395, 18558, 18696, 18865
167.....16510
183.....16512
Proposed Rules:
100 .....16746, 17780, 17782
117 .....18407, 18877, 18879
165 .....16142, 16327, 16746, 16976, 17782, 18725

34 CFR

36.....18559

37 CFR

301.....18563
350.....18563
351.....18563
Proposed Rules:
350.....18601

38 CFR

17.....16287
Proposed Rules:
36.....17792

39 CFR

3020.....18698

40 CFR

52 .....16919, 16920, 16921, 16924, 16927, 16931, 16932, 16934, 16938, 16940, 16943, 17124, 17128, 17131, 17134, 17136, 17144, 17380, 18868, 18992, 18994
63.....16736
81 .....16740, 16938, 16940, 16943
174.....18226
180 .....17146, 17563, 18230, 18235, 18574, 18995, 19001
300.....17151
423.....19005
Proposed Rules:
Ch. I.....17601, 17793
50.....17947
52 .....16770, 16772, 16980, 16981, 17161, 17166, 17174, 17175, 17405, 17948, 18268, 18272, 18881, 19011
58.....17947
60 .....16144, 16329, 16330, 16331
68.....16146
80.....17597
141.....17406
143.....17406
174.....17175
180.....17175
Ch. IV.....17793
Ch. V.....17793
Ch. VI.....17793
Ch. VII.....17793

42 CFR

73.....17569
447.....16114
495.....16741
Proposed Rules:
409.....16150
410.....16150
418.....16150
440.....16150
484.....16150
485.....16150
488.....16150

44 CFR

64.....16122, 18088

45 CFR

147.....18346
155.....18346
156.....18346
500.....16124
510.....16124

46 CFR

221.....18871
307.....18871
340.....18871
356.....18871
530.....16288
531.....16288
Proposed Rules:
401.....16542
403.....16542
404.....16542

47 CFR

1.....16297, 18580
22.....17570
25.....18580
54.....16127, 16297
64.....17754
73.....18240, 18580
74.....18240, 18580
Proposed Rules:
2.....16777
22.....17959
25.....16777
36.....16152
43.....18090
54.....19014
63.....18090
64.....17613
73.....17406

48 CFR

Proposed Rules:
816.....16332
828.....16332
852.....16332

49 CFR

107.....18397
171.....18397
192.....17152
209.....16127, 17765
213.....16127, 17765
214.....16127, 17765
215.....16127, 17765
216.....16127, 17765
217.....16127, 17765
218.....16127, 17765
219.....16127, 17765
220.....16127, 17765
221.....16127, 17765
222.....16127, 17765
223.....16127, 17765
224.....16127, 17765
225.....16127, 17765
227.....16127, 17765
228.....16127, 17765
229.....16127, 17765
230.....16127, 17765
231.....16127, 17765
232.....16127, 17765
233.....16127, 17765
234.....16127, 17765
235.....16127, 17765
236.....16127, 17765
237.....16127, 17765
238.....16127, 17765
239.....16127, 17765
240.....16127, 17765
241.....16127, 17765
242.....16127, 17765
243.....16127, 17765
244.....16127, 17765
270.....16127, 17765
272.....16127, 17765
386.....17584
Proposed Rules:
383.....18096
391.....18096
392.....18096
395.....18096
396.....18096
Ch. VI.....18096
Ch. X.....18275
1104.....16550
1109.....16550
1111.....16550
1114.....16550
1130.....16550

50 CFR

15.....16522
17.....16522, 16668
92.....16298
300 .....17382, 18581, 18704
622.....17387, 18400
635 .....16136, 16478, 17765
648.....18706
665.....18716
679 .....16306, 16540, 16742, 16946, 16947, 18252
Proposed Rules:
17 .....16559, 16981, 18409
648 .....17964, 18411, 18882

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List April 21, 2017

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.