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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–6651; Directorate Identifier 2016–SW–015–AD; Amendment 39–18867; AD 2017–09–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters. This AD requires repetitively checking screws in the emergency flotation gear. This AD is prompted by a report that a screw ruptured on a Model AS332 helicopter's emergency flotation gear. These actions are intended to correct an unsafe condition on these products.

DATES: This AD becomes effective May 26, 2017.

We must receive comments on this AD by July 10, 2017.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6651; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800- 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD No. 2015–0239–E, dated December 18, 2015, to correct an unsafe condition for Airbus Helicopters Model AS 332 C, AS 332 C1, AS 332 L, AS 332 L1, AS 332 L2, and EC 225 LP helicopters with emergency flotation gear. EASA advises that a screw ruptured on the rear upper fitting on the left-hand (LH) emergency flotation gear of an AS332 helicopter. EASA states that this condition, if not detected and corrected, could result in the failure of an emergency flotation system when ditching and unstable floating of the helicopter, possibly resulting in injury to the occupants. EASA consequently requires repetitive inspections of the lower attachment screws of rear upper fitting on the rear LH and right-hand (RH) emergency flotation gears. According to EASA, the root cause of the failure has not yet been identified.

FAA's Determination

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

Related Service Information

We have reviewed Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 05.01.06, Revision 0, dated December 18, 2015, for Model AS332C, AS332C1, AS332L, AS332L1, and AS332L2 helicopters and for military Model AS332B, AS332B1, AS332F1, AS332M, and AS332M1 helicopters, and EASB No. 05A047, Revision 0, dated December 18, 2015, for Model EC225LP helicopters. This service information specifies repetitively

inspecting the lower screws of the rear upper fitting on the rear LH and RH emergency floating gears for the presence of the heads and stressing the screw heads using a tool to make sure that the screw head does not move. If all screw heads are present, the service information requires no further action. If at least one screw head is missing or moves, the service information specifies replacing the two lower screws and the upper screw and informing Airbus Helicopters.

AD Requirements

This AD requires, within 15 hours time-in-service (TIS) and thereafter before each flight over water, visually checking the rear upper fittings of the LH and RH emergency flotation gears for the presence of screw heads and looseness. An owner/operator (pilot) may perform the required visual check and must enter compliance with the applicable paragraph of the AD into the helicopter maintenance records in accordance with 14 CFR 43.9(a)(1) through (4) and 91.417(a)(2)(v). A pilot may perform this check because it involves visually checking the rear upper fittings of the LH and RH emergency flotation gears for the presence of screw heads and twisting the screws by hand, which can be performed equally well by a pilot or a mechanic. This check is an exception to our standard maintenance regulations. If any screw heads are missing, loose, or twist off with hand pressure, this AD requires replacing all screws in the fitting before the next flight over water.

Differences Between This AD and the EASA AD

The EASA AD allows using tools for the inspection, while this AD requires checking by hand. The EASA AD requires that repetitive inspections occur at intervals not to exceed 15 hours TIS, while this AD requires the repetitive checks before each flight over water. The EASA AD requires contacting Airbus Helicopters if a screw is missing or loose, while this AD does not.

Interim Action

We consider this AD interim action. The design approval holder is currently investigating the root cause for this unsafe condition and may develop a modification that will address this unsafe condition. If this modification is developed, approved and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this AD affects 24 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect the following costs:

- Checking the screws requires about 1/10 of a work-hour and no parts are needed, for a cost of $9 per helicopter and $216 for the U.S. fleet.
- Replacing the screws requires 8 work-hours for a labor cost of $680. Parts cost $150 for a total cost of $830 per helicopter.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the required corrective actions must be accomplished within 15 hours TIS.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–09–05 Airbus Helicopters: Amendment 39–18867; Docket No. FAA–2016–6651; Directorate Identifier 2016–SW–015–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters with emergency flotation gear installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a rear upper screw fitting on the emergency flotation gear. This condition, if not detected and corrected, could result in failure of the emergency flotation system and subsequent capsizing of the helicopter.

(c) Effective Date

This AD becomes effective May 26, 2017.

(d) Compliance

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

(e) Required Actions

Within 15 hours time-in-service, and before each flight over water thereafter:

(1) Visually check each emergency flotation gear left hand and right hand rear upper fitting to determine whether the heads of the lower screws are present. Figure 1 to paragraph (e)(1) of this AD depicts where the lower three screws (noted as B and E) are located. Check each screw for looseness by determining whether it can be rotated by hand. The actions required by paragraph (e)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with Title 14 Code of Federal Regulations (14CFR) §§ 43.9(a)(1)–(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

BILLING CODE 4910–13–P

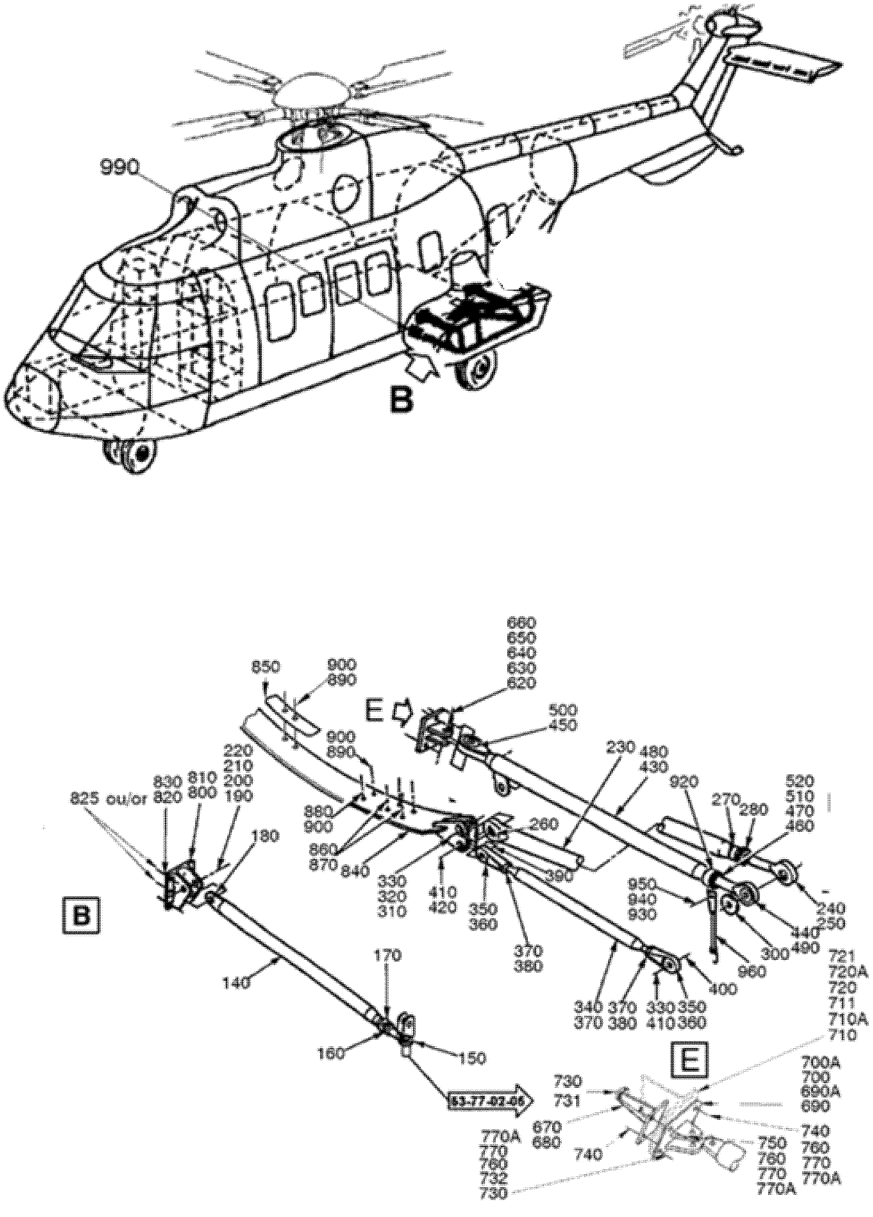

Figure 1 to Paragraph (e)(1) of this AD

BILLING CODE 4910–13–C

(2) If a screw head is missing or if a screw is loose, before further flight over water, replace all screws in the fitting. Replacing the screws is not a terminating action for the repetitive checks required by this AD.

(f) Special Flight Permits

Special flight permits are prohibited for flight over water.

(g) Alternative Methods of Compliance (AMOCs)

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

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

(h) Additional Information

(1) Airbus Helicopters Emergency Alert Service Bulletin No. 05.01.06, and Airbus Helicopters Emergency Alert Service Bulletin No. 05A047, both Revision 0, and both dated December 18, 2015, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) Emergency AD No. 2015–0239–E, dated December 18, 2015. You may view the EASA AD on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2016–6651.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 3212, Emergency Flotation Section.

Issued in Fort Worth, Texas, on April 24, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–09376 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 620

RIN 1205–AB63

Federal State Unemployment Compensation Program; Middle Class Tax Relief and Job Creation Act of 2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule; CRA Revocation.

SUMMARY: Under the Congressional Review Act, Congress has passed, and the President has signed a public law disapproving the Employment and Training Administration's (ETA's) final rule establishing appropriate occupations for State drug testing of unemployment compensation claimants. ETA published the final rule on August 1, 2016, and the rule became effective on September 30, 2016. Because the public law invalidates the rule, ETA is hereby removing it from the Code of Federal Regulations.

DATES: This final rule is effective May 11, 2017.

FOR FURTHER INFORMATION CONTACT: Adele Gagliardi, Administrator, Office of Policy Development and Research, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Ave. NW., Suite N–5641,Washington, DC 20210, or by phone at 202–693–3700.

SUPPLEMENTARY INFORMATION: On August 1, 2016, ETA issued a final rule in accordance with Section 2105 of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96 (2012), titled Federal-State Unemployment Compensation Program; Middle Class Tax Relief and Job Creation Act of 2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants (20 CFR part 620) (81 *FR* 50298). The final rule became effective on September 30, 2016. On February 15, 2017, the United States House of Representatives passed a resolution of disapproval (H.J. Res. 42) under the Congressional Review Act (5 U.S.C. 801 *et seq.*). The United States Senate passed H.J. Res. 42 on March 14, 2017. President Donald J. Trump signed the resolution into law as Public Law 115–17 on March 31, 2017. Accordingly, ETA is hereby removing the rule from the Code of Federal Regulations.

List of Subjects in 20 CFR Part 620

Unemployment compensation.

Signed at Washington, DC

Byron Zuidema,

Deputy Assistant Secretary for Employment and Training.

For the reasons discussed in the preamble, and under the authority of the Congressional Review Act (5 U.S.C. 801 *et seq.*) and Public Law 115–17 (March 31, 2017), the ETA amends 20 CFR chapter V as follows:

PART 620—[Removed]

■ 1. Remove part 620.

[FR Doc. 2017–09374 Filed 5–10–17; 8:45 am]

BILLING CODE 4510–30–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; modification.

SUMMARY: The Coast Guard has modified a temporary deviation from the operating schedule that governs the SR 401 Drawbridge, mile 5.5 at Port Canaveral, Florida. This modified 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 modified deviation allows the bridge to not open to navigation during prime cruise ship passenger loading and unloading times on Saturdays and Sundays.

DATES: This modified deviation is effective without actual notice from May 11, 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.

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: On April 25, 2017 the Coast Guard published a temporary deviation entitled ''Drawbridge Operation Regulation; Canaveral Barge Canal, Canaveral, FL in the **Federal Register** (82 FR 18989). Under that temporary deviation, the bridge would remain in the closed-to-navigation position from 11 a.m. to 2 p.m. on Saturdays. The Canaveral Port Authority has requested that this deviation also include Sundays. The current operating regulation is under 33 CFR 117.273. The bridge logs from November 2016 indicate that, at most, approximately nine vessels may be affected by establishing this three hour bridge closure on Saturdays and Sundays. 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 modified deviation is effective from May 11, 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 modified 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: May 8, 2017.

Barry Dragon,

Director, Bridge Branch, Seventh Coast Guard District.

[FR Doc. 2017–09598 Filed 5–10–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0303]

RIN 1625–AA00

Safety Zone; Tuskegee Airmen River Days Air Show, Detroit River, Detroit, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Detroit River in the vicinity of Detroit, MI. This zone is intended to restrict and control movement of vessels in a portion of the Detroit River. This zone is necessary to protect spectators and vessels from potential hazards associated with the Tuskegee Airmen River Days Air Show.

DATES: This temporary final rule is effective from 12:30 p.m. on June 23, 2017 until 9 p.m. on June 26, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0303 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details of this air show until there was insufficient time remaining before the event to publish an NPRM.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. Having reviewed the application for a marine event submitted by the sponsor on March 14, 2017, the Captain of the Port Detroit (COTP) has determined that an aircraft aerial display proximate to a gathering of watercraft poses a significant risk to public safety and property. Such hazards include potential aircraft malfunctions, loud noise levels, and waterway distractions. Therefore, the COTP is establishing a safety zone around the event location to

help minimize risks to safety of life and property during this event.

IV. Discussion of the Rule

This rule establishes a safety zone from 12:30 p.m. on June 23, 2017 through 9 p.m. on June 26, 2017. The safety zone will encompass all U.S. navigable waters of the Detroit River between the following two lines extending from 70 feet off the bank to the US/Canadian demarcation line: the first line is drawn directly across the channel at position 42°19.444′ N., 083°03.114′ W. (NAD 83); the second line, to the north, is drawn directly across the channel at position 42°19.860′ N. 083°01.683′ W. (NAD 83). No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

The COTP or his designated on-scene representative will notify the public of the enforcement of this rule by all appropriate means, including a Broadcast Notice to Mariners and Local Notice to Mariners.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') 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 including potential economic, environmental, public health and safety effects, distributive impacts, and equity. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs''), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed it.

As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the Detroit River from 12:30 p.m. on June 23, 2017 until 9 p.m. on June 26, 2017. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42

U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting less than three hours per day that will prohibit entry within the 1 mile by .2 mile air show site. It is categorically excluded under section 2.B.2, figure 2–1, paragraph 34(g) of the Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0303 to read as follows:

§ 165.T09–0303 Safety Zone; Tuskegee Airmen River Days Air show; Detroit, MI.

(a) *Location.* A safety zone is established to include all U.S. navigable waters of the Detroit River between the following two lines extending 70 feet off the bank to the US/Canadian demarcation line: the first line is drawn directly across the channel at position 42°19.444′ N., 083°03.114′ W. (NAD 83); the second line, to the north, is drawn directly across the channel, at position 42°19.860′ N., 083°01.683′ W. (NAD 83).

(b) *Enforcement period.* The regulated area described in paragraph (a) of this section will be enforced from 12:30 p.m. thru 3 p.m. on June 23, 2017 and June 24, 2017; 3 p.m. through 5:30 p.m. on June 25, 2017; and from 5 p.m. through 7:30 p.m. on June 26, 2017.

(c) *Regulations.* (1) No vessel or person may enter, transit through, or anchor within the safety zone unless authorized by the Captain of the Port Detroit, or his on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Detroit is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the Captain of the Port Detroit or his on-scene representative to obtain permission to enter or operate within the safety zone. The Captain of the Port Detroit or his on-scene representative may be contacted via VHF Channel 16 or at 313–568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the Captain of the Port Detroit or his on-scene representative.

Dated: May 5, 2017.

Scott B. Lemasters,

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

[FR Doc. 2017–09554 Filed 5–10–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0585; FRL–9960–22–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs and Compliance Flexibility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or Act), the Environmental Protection Agency (EPA) is approving revisions to the Texas State Implementation Plan (SIP) Emissions Banking and Trading Programs submitted on July 15, 2002; December 22, 2008; April 6, 2010; May 14, 2013; and August 14, 2015. Specifically, we are approving revisions to the Texas Emission Credit, Mass Emissions Cap and Trade, Discrete Emission Credit, and Highly Reactive Volatile Organic Compound Emissions Cap and Trade Programs such that the Texas SIP will include the current state program regulations promulgated and implemented in Texas. We are also approving compliance flexibility provisions for stationary sources using the Texas Emission Reduction Plan submitted on July 15, 2002; May 30, 2007; and July 10, 2015.

DATES: This rule is effective on July 10, 2017 without further notice, unless the EPA receives relevant adverse comment by June 12, 2017. If the EPA receives such comment, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2015–0585, at *http://www.regulations.gov* or via email to *wiley.adina@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Adina Wiley, 214–665–2115, *wiley.adina@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Adina Wiley, 214–665–2115, *wiley.adina@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Ms. Adina Wiley or Mr. Bill Deese at 214–665–7253.

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

I. Background

A. CAA and SIPs

Section 110 of the CAA requires states to develop and submit to the EPA a SIP to ensure that state air quality meets the National Ambient Air Quality Standards (NAAQS). These ambient standards currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. The EPA approved SIP regulations and control strategies are federally enforceable.

The Texas SIP includes several discretionary emissions trading programs developed consistent with the EPA's Economic Incentive Program Guidance, that are designed to promote flexibility and innovation in complying with State and Federal air emission requirements established in the SIP and the SIP-approved air permitting programs.[1] This direct final action will address the revisions to the Texas Emission Credit (EC), Mass Emissions Cap and Trade (MECT), Discrete Emission Credit (DEC), and Highly Reactive Volatile Organic Compound Emissions Cap and Trade (HECT) programs that were submitted to the EPA on July 15, 2002; December 22, 2008; April 6, 2010; May 14, 2013; and August 14, 2015, where the EPA has not yet taken an action on such revisions. This direct final action also addresses another method for compliance flexibility for stationary sources using the Texas Emission Reduction Plan (TERP) as submitted to the EPA on July 15, 2002; May 30, 2007; and July 10, 2015. Where the TCEQ also adopted and submitted revisions to other parts of the Texas SIP, those revisions have been addressed in separate rulemakings. Please see the Technical Support Documents accompanying this rulemaking for an identification of the specific sections impacted by this direct final rulemaking.

B. Overview of the Texas Emissions Banking and Trading Programs

1. The Emission Credit (EC) Program

The EC Program enacted at 30 Texas Administrative Code (TAC) Chapter 101, Subchapter H, Division 1 allows owners or operators of a facility or mobile source to generate emission credits by reducing emissions of criteria pollutants or their precursors, with the exception of lead, below any applicable regulations or requirements. Emission credits are generated and banked in terms of rate (tons per year). Emission credits, or ECs, encompass reductions generated and banked from stationary sources as emission reduction credits (ERCs) or generated and banked from mobile sources as mobile emission reduction credits (MERCs). The ECs from the bank have traditionally been used as offsets for the permitting of major new or modified facilities in nonattainment areas. ECs have also been banked and traded for alternative compliance with Reasonably Available Control Technology (RACT) requirements. The EPA initially approved the EC program on September 6, 2006 (71 FR 52698) with updates approved on May 18, 2010 (75 FR 27647).

On June 5, 2015, the TCEQ adopted revisions to the EC Program, including renaming the program to the Emission Credit Program and revising provisions for mobile and area source credit generation. The June 5, 2015, revisions to the EC Program were submitted to the EPA as a SIP revision on August 14, 2015.

2. The Mass Emissions Cap and Trade (MECT) Program

The MECT Program enacted at 30 TAC Chapter 101, Subchapter H, Division 3 is mandatory under the Texas SIP for stationary facilities that emit oxides of nitrogen (NO_X) in the Houston/Galveston/Brazoria (HGB) ozone nonattainment area which are subject to emission specifications in the TCEQ NO_X rules at 30 TAC Sections 117.310, 117.1210, and 117.2010; and which are located as a site where they collectively have an uncontrolled design capacity to emit 10 tons per year or more of NO_X. The program sets a cap on NO_X emissions beginning January 1, 2002, with a final reduction to the cap occurring in 2007. Facilities are required to meet NO_X allowances on an annual basis. Facilities may purchase, bank, or sell their allowances. The EPA published a final rule approving the MECT program on November 14, 2001 (66 FR 57252). The EPA has acted on several updates to the MECT program since our initial program approval. See prior EPA actions on September 6, 2006 (71 FR 52698); July 16, 2009 (74 FR 34503); January 2, 2014 (79 FR 57).

TCEQ adopted additional revisions to the MECT on June 5, 2015, and submitted these revisions to the EPA as a SIP revision on August 14, 2015. The revisions make general updates to the MECT and clarify the use of allowances for Nonattainment New Source Review (NNSR) offsets. This rulemaking addresses all revisions to the MECT submitted on August 14, 2015.

3. The Discrete Emission Credit (DEC) Program

The DEC Program enacted at 30 TAC Chapter 101, Subchapter H, Division 4 allows an owner or operator of a facility or mobile source to generate discrete emission credits by reducing emissions of criteria pollutants or their precursors, with the exception of lead, below any applicable regulation or requirement. Discrete emission credits (DECs) are quantified, banked and traded in terms of mass (tons), not a rate as is the case with ECs. DECs may be generated from stationary sources and banked as discrete emission reduction credits (DERCs) or may be generated from mobile sources and banked as mobile discrete emission reduction credits (MDERCs). Traditionally DECs have been used for Reasonably Available Control Technology (RACT) compliance for (Volatile Organic Compounds) VOCs and NO_X; DECs can also be used to offset new major sources or major modifications to existing sources in nonattainment areas. The EPA initially approved the DEC Program on September 6, 2006, with updates approved on May 18, 2010 (75 FR 27644).

TCEQ has adopted and submitted revisions to the DEC Program on December 22, 2008 and May 14, 2013 to address the use of DERCs in the Dallas-Fort Worth (DFW) ozone nonattainment area. Additional revisions to the DEC program adopted on June 5, 2015, and submitted August 14, 2015, rename the program to the Discrete Emission Credit Program, further revise the provisions specific to DERC use in DFW, and address the generation of area and mobile source credits. The EPA is addressing all pending revisions to the DEC Program in this action.

[1] ''Improving Air Quality with Economic Incentive Programs'' (EIP Guidance) (EPA–452/R–01–001, January 2001) is the EPA guidance document for reviewing and approving discretionary EIP submittals. The EIP Guidance applies to the establishment of a discretionary EIP for attaining or maintaining the national ambient air quality standards (NAAQS) for criteria pollutants. The EIP Guidance supersedes and takes precedence over the discretionary EIP guidance provided in prior documents such as the 1994 EIP (April 7, 1994, 59 FR 16690, 40 CFR part 51, subpart U) and the guidance in the emission trading policy statement (ETPS) (December 4, 1986, 51 FR 43813).

4. The Highly Reactive Volatile Organic Compound (HRVOC) Emissions Cap and Trade (HECT) Program

The HECT Program enacted at 30 TAC Chapter 101, Subchapter H, Division 6 is mandatory for covered facilities including vent gas streams, flares, and cooling tower heat exchange systems that emit HRVOCs, as defined in 30 TAC Section 115.10, and that are located at a site subject to Chapter 115, Subchapter H. The EPA published final approval of the HECT program on September 6, 2006 (71 FR 52659).

Since our initial approval of the HECT program, the TCEQ adopted revisions on March 10, 2010, in conjunction with the development of the HGB 1997 eight-hour ozone attainment demonstration; these HECT amendments were submitted as revisions to the Texas SIP on April 6, 2010. On January 2, 2014, the EPA approved the majority of these HECT amendments in concert with our final approval of the HGB attainment demonstration for the 1997 eight-hour ozone standard (79 FR 57). Note that we did not take action on the submitted revision to 30 TAC Section 101.396(b) at the request of the state.

The TCEQ adopted revisions to the HECT program on June 5, 2015, and submitted these revisions to the SIP on August 14, 2015. The submitted revisions clarify the use of HECT allowances as NNSR offsets, update the equations for allowance allocations, update provisions for changing site ownership, and revise provisions to clarify data substation for reporting.

This rulemaking addresses the remaining revision to 30 TAC Section 101.396(b) from the April 6, 2010 submittal and all revisions to the HECT submitted on August 14, 2015.

C. Compliance Flexibility With the Texas Emission Reduction Plan (TERP)

The TERP, implemented with provisions in 30 TAC Chapter 114, Subchapter K, is a SIP-approved program that provides financial incentives for reducing emissions from mobile sources. Examples of TERP grant projects include financial subsidies to upgrade/retrofit diesel exhaust systems in school buses and replacing heavy-duty and light-duty on-road diesel vehicles with alternative fuel and hybrid vehicles. TCEQ adopted new revisions to promote compliance flexibility for stationary sources subject to NO_X control requirements either under the MECT or under the requirements of 30 TAC Chapter 117 by requiring partial compliance with the stationary source obligation while simultaneously funding mobile emission reductions achieved through the TERP for a set period of time. The compliance flexibility provisions for sources subject to the MECT were initially adopted on March 13, 2002 and submitted as SIP revisions on July 15, 2002 as new 30 TAC Section 101.357; no changes have been made since this initial adoption and submittal. The compliance flexibility provisions for sources subject to the NO_X control requirements in Chapter 117 were initially adopted on March 13, 2002 and submitted as a SIP revision on July 15, 2002 as 30 TAC Section117.571. TCEQ has revised this section twice since its initial adoption. Revisions adopted May 23, 2007, and submitted as a SIP revision on May 30, 2007, recodified and revised the provisions as 30 TAC Section 117.9810. The TCEQ adopted further revisions to 30 TAC Section 117.9810 on June 3, 2015, and submitted these provisions as a SIP revision on July 10, 2015; this section now only applies to DFW area sources that seek to use emission reductions generated from TERP to meet NO_X emission control requirements.

II. The EPA's Evaluation

The TSDs for this action include a detailed analysis of the revisions submitted for EPA's consideration. In many instances the revisions are minor or non-substantive in nature and do not change the intent of the original SIP-approved program. Following is a summary of our analysis for those revisions that we view as substantive revisions to our initial SIP-approvals.

A. Revisions to the MECT and HECT for Using Allowances as NNSR Offsets

In the August 14, 2015 submittal, the TCEQ expanded the MECT program at 30 TAC Section 101.352 and the HECT Program at 30 TAC Section 101.393, such that MECT allowances can be used for the entirety of the NNSR NO_X offset obligation and HECT allowances can be used for the entirety of the NNSR VOC offset obligation, rather than just the 1:1 portion of the offset, as long as the use is authorized in a NNSR permit issued under the SIP-approved NNSR program at 30 TAC Chapter 116, Subchapter B. The TCEQ adopted and submitted additional clarifications to both the MECT and HECT Program regulations that clarify the applicable offset obligation will be met by a permanent stream of allowances and not through the use of a banked, or vintage allowance or an allowance allocated based on allowable emissions. The owner or operator of the facility must have the necessary allowances in the respective compliance account 30 days prior to operation. The TCEQ will set-aside the portion of allowances for the 1:1 offset obligation; the owner/operator is required to set aside additional allowances if there is a short fall in the offset obligation due to allowance devaluation. The TCEQ will also permanently retire the allowances used for the environmental benefit portion of the offset obligation (the greater than 1:1 portion of the offset obligation). The TCEQ also provides the mechanism under the MECT or HECT Programs where the owner or operator can request the release of allowances if an alternative means of compliance with the offset obligation is approved. The TCEQ will not retroactively release allowances and the portion of allowances retired for the environmental benefit contribution will not be released.

The requirements for NNSR offsets are established under section 173(c) of the CAA. Section 173(c)(1) provides that an owner or operator of a stationary source may comply with any offset requirement by obtaining emission reductions of the air pollutant from the same source or other sources in the same nonattainment area. Emission reductions used for offsets must be in effect and enforceable by the time the new or modified source commences operation and ensure that the total tonnage of increased emissions of the air pollutant shall be offset by the equal or greater reduction in actual emissions. Sections 173(c)(1)(A) and (B) provide exceptions to the location of the offsetting emission reductions by providing that reductions may be achieved in another nonattainment area if the area is of an equal or higher nonattainment classification and emissions from the other area contribute to a violation of the NAAQS in the nonattainment area where the source will be located. Section 173(c)(2) provides that emission reductions required elsewhere under the Act will not be creditable as emission reductions for purposes of NNSR offsets. The EPA regulations pertaining to NNSR offset requirements are found at 40 CFR 51.165(a)(3).

The EPA has provided specific guidance for the interactions between multi-source emission cap and trade programs and the NNSR permitting program in our EIP Guidance under sections 6.3(d) and Appendix 16.14. Together, these sections provide that reductions from an EIP can be used for NNSR purposes provided that the emission reductions independently meet the relevant NNSR requirements in the CAA and in EPA's regulations and guidance. Further, major sources and modifications may not be exempted

from NSR requirements and the reductions under the EIP may not be used for netting unless they occur contemporaneously with use and occur at the same source as the emission increase. The EIP Guidance reiterates that reductions used for NNSR offsets must be federally enforceable and satisfy the requirements of CAA section 173(c).

The revisions to the MECT and HECT offset provisions continue to satisfy the offset requirements under CAA Section 173(c). First as to location, an owner/operator with a NO_X offset obligation in the HGB area could use the MECT allowances to satisfy the offset obligation since the allowances are provided in the HGB ozone nonattainment area. Similarly, an owner/operator with a VOC offset obligation in the HGB area could use the HECT allowances to satisfy the offset obligation since the allowances are provided in the HGB ozone nonattainment area. The use of allowances for the entirety of the offset obligation is not restricted by the CAA, nor is it restricted under the EPA's EIP at Appendix 16.14. The MECT and HECT revisions specify that the allowances must be obtained 30 days prior to commencement of operation, ensuring that the requirements under CAA section 173(c)(1) regarding timing are satisfied. A source from outside the HGB ozone nonattainment area could theoretically use MECT allowances for NO_X offset compliance or HECT allowances for VOC offset compliance, provided that the HGB ozone nonattainment area is of equal or greater nonattainment designation and that the source could demonstrate emissions from HGB contribute to a NAAQS violation in the other nonattainment area of use. The EPA believes that the possibility of the use of MECT or HECT allowances for an offset obligation outside of the HGB area will be extremely limited because any source trying to use MECT or HECT allowances outside of the HGB would be obligated to make the above-referenced demonstrations under CAA section 173(c)(1)(A) and (B) to ensure that the CAA is satisfied. Finally, the MECT and HECT caps and the pending revisions to the MECT and HECT programs are not required by the CAA; therefore, MECT or HECT allowances would be creditable for offset purposes under CAA section 173(c)(2).

The revisions to the MECT and HECT also satisfy the NNSR offset criteria established in EPA's EIP Guidance, Appendix 16.14. The use of MECT or HECT allowances for netting out of NNSR requirements is prohibited under the SIP-approved program requirements. Ultimately, by using a permanent stream of allowances to satisfy the entirety of the NNSR offset obligation, the overall MECT or HECT cap will be reduced. Therefore, the air shed will be protected while still providing for future growth consistent with the goals of the CAA and the NNSR program.

B. Revisions to How DERCs Are Used as NNSR Offsets

The August 14, 2015 submitted revisions to the DEC Program included revisions on how DERCs can be used as NNSR offsets and how this usage is accounted for in the applicable NNSR permit. The current SIP-approved language requires that if DECs are to be used for the offset obligation in an NNSR permit, the applicable permit will include an enforceable requirement that the facility obtain at least one additional year of DECs for offsets before continuing operation; this creates a rolling requirement for the owner/operator of the stationary source to obtain and request approval for the use of DECs each year under an NNSR permit. In the August 14, 2015 submittal, the TCEQ revised the regulations so that the prior language applies only to the use of MDERCs as NNSR offsets. For DERCs, the user must complete an application form to use DERCs at least 90 days before operation and at least 90 days before continuing operation for any period that was not included in the initial application. This change has been made to reflect that users of DERCs for offsets are generally obtaining sufficient DERCs to cover several years of operation, if not the entirety of the expected lifetime of the source, before commencing construction. In those situations, the prior SIP-approved language created an undue burden on the owner or operator to annually submit paperwork when the DERCs had already been obtained and approved for use. Under the revised regulations, the enforceable commitment to obtain sufficient DERCs is the NNSR permit requirement that emissions must be offset prior to the commencement of operation. If the owner or operator is using DERCs for the offset obligation they still must obtain the DERCs in advance of operation and have those DERCs approved for use by the TCEQ Executive Director. While the submitted revisions change the method in which users of DERCs as NNSR offsets request approval of such use from the TCEQ, the underlying premise of using DERCs as NNSR offsets is unchanged. The change in methodology is consistent with the offset requirements of the CAA at 173(c)(1) that require the offsets to be in effect and enforceable by the time the source commences operation.

C. Use of DERCs in the DFW Ozone Nonattainment Area

On December 22, 2008, the TCEQ submitted revisions to the Texas SIP Narrative and the state's Emissions Banking and Trading Rules at 30 TAC Sections 101.376 and 101.379 to address the use of DERCs in the DFW nonattainment area with respect to the 1997 eight-hour ozone NAAQS. The submitted regulations created an enforceable mechanism to restrict the use of DERCs in the DFW eight-hour ozone nonattainment area through the establishment of the DFW DERC limit. The DFW DERC limit was calculated as a ton per day limit based on the TCEQ's photochemical modeling demonstration, emission reductions from fleet turnover that were not used to satisfy attainment SIP contingency measures and DERCs generated and not used after the inception of the DFW DERC limit.

The TCEQ submitted the DFW attainment demonstration for the 2008 ozone NAAQS on July 10, 2015, with updates submitted on August 5, 2016. As part of these revisions, the TCEQ reevaluated the DERC usage limitations for the DFW area. The TCEQ determined that the previously adopted and submitted DFW DERC limit calculation was unsustainable. The July 10, 2015 submittal included sensitivity analyses that modeled a fixed 17.0 tpd limit and enabled the DFW area to reach attainment. The TCEQ submitted the revised DFW DERC limit and associated revisions to the DERC regulations in the August 14, 2015 submittal.

In addition to the limit on DERC usage in DFW, the TCEQ adopted and submitted an exemption from this limit in the December 22, 2008 with updates submitted on May 14, 2013. This exemption is specific to DERCs used in the DFW area in response to an emergency situation declared by the Electric Reliability Council of Texas (ERCOT) where the safety or reliability of the Texas electric grid is compromised or threatened. The EPA finds this exemption approvable because the TCEQ Executive Director can only approve these requests if all other requirements for DERC usage are satisfied. The DERC usage requirements are protective of the NAAQS by requiring the TCEQ Executive Director to consider the locations requested for DERC usage and determine whether the requested use would cause or contribute to a violation of the NAAQS through ozone spike formation.

The EPA is taking action now to evaluate and approve the revisions to the DEC regulations themselves that adopt and implement the DERC usage limit for the DFW ozone nonattainment area as submitted on December 22, 2008, and revised in the May 14, 2013 and August 14, 2015 submittals. The EPA believes it is appropriate to approve the regulations to restrict DERC usage in the DFW nonattainment area. We support the use of a fixed daily limit as provided in the sensitivity analyses of the DFW Attainment Demonstration for the 2008 ozone NAAQS because of the clarity provided to the sources using DERCs and the TCEQ in implementing the usage restrictions. We find that the adopted revisions for the DFW DERC limit are sufficient to restrict DERC usage consistent with the levels modeled by the TCEQ in the DFW Attainment Demonstration for the 2008 ozone NAAQS. While this direct final action approves the regulations for the DFW DERC limit, we are not evaluating the DFW Attainment Demonstration at this time.

D. Analysis of Compliance Flexibility With TERP

Site owners or operators subject to the MECT in HGB or the Chapter 117 NO_X requirements for DFW [2] have an obligation to meet certain NO_X emission limits. Site owners or operators unable to meet these emission limitations and desiring to use TERP emission reductions for compliance relief, can petition the TCEQ Executive Director for a determination of technical infeasibility. The regulations state that an owner or operator should demonstrate that they cannot comply with the entirety of the NO_X obligation at the current time, but rather can comply with 80% of their obligation. The owner or operator must further demonstrate that the source will be in full compliance with the NO_X obligation within 5 years of the compliance deadline. In determining whether to grant the petition for technical infeasibility, the TCEQ Executive Director will consider at a minimum: Current technology, adaptability of technology to a specific source, age and projected useful life of the source and cost benefits at the time of application. If the TCEQ Executive Director agrees with the petition for technical infeasibility, the site owner or operator can defer 20% of their NO_X compliance obligation by paying into the TERP fund at a cost of $75,000 per ton of NO_X emissions; not to exceed 25 tons per year or 0.5 tons per day on a site-wide basis. The TCEQ uses this money to fund TERP projects to benefit the community where the site using the emissions reductions is located. Because the cost per ton of NO_X ($75,000 per ton) is much greater than the cost effectiveness of TERP programs (an average of $6,165 per ton from the beginning of TERP in 2002 through August 31, 2015) [3] it is expected that this provision will allow for much greater emission reductions and much greater environmental benefit than would otherwise be obtained.

E. Analysis Under Section 110(l) of the CAA

Our analysis indicates that the July 15, 2002; December 22, 2008; April 6, 2010; May 14, 2013, and August 14, 2015 submitted revisions to the Texas EC, MECT, DEC, and HECT Programs were adopted and submitted as revisions to the Texas SIP after reasonable notice and public hearing. The Texas EC and DEC programs are SIP approved programs that provide for compliance flexibility and generation and use of emission credits in the SIP-approved NNSR permitting program. The Texas MECT and HECT are necessary components of the HGB nonattainment requirements. The submitted revisions to the EC, MECT, DEC and HECT clarify and update the existing programs—these submitted revisions do not change the fundamental premise or structure of the programs. Therefore, we find that the revisions to the EC, MECT, DEC and HECT will not interfere with attainment, reasonable further progress or any other applicable requirements of the Act.

The revisions to the MECT adopted on March 13, 2002, and submitted on July 15, 2002, establish a new provision under the MECT allowing for compliance flexibility with MECT requirements by using TERP projects. Similarly, the compliance flexibility provisions for Chapter 117 NO_X obligations in DFW initially submitted on July 15, 2002 and revised on May 30, 2007, and July 14, 2015, establish the ability for a source to comply with NO_X obligations by funding TERP projects. The EPA believes that the compliance flexibility afforded under 30 TAC Sections 101.357 and 117.9810 is approvable and, if used, would result in an equal or greater reduction of NO_X emissions in the respective airshed from a combination of stationary and mobile sources. Therefore, these compliance flexibility provisions will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of this CAA.

III. Final Action

We are approving through a direct final action the submitted revisions to the Texas Emissions Banking and Trading Programs from July 15, 2002; December 22, 2008; April 6, 2010; May 14, 2013; and August 14, 2015. The EPA has determined that these revisions are approvable because the submitted rules were adopted and submitted in accordance with the CAA and are necessary to update functionality of the SIP-approved trading programs and are consistent with the CAA and the EPA's policy and guidance on emissions trading. Therefore, under section 110 of the Act, the EPA is approving the following revisions to the Texas SIP:

- Revisions to the 30 TAC Chapter 101, Subchapter H, Division 1 Title submitted August 14, 2015;
- Revisions to 30 TAC Section 101.300 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.301 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.302 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.303 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.306 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.309 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.350 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.351 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.352 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.353 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.354 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.356 adopted on June 3, 2015 and submitted August 14, 2015;
- New 30 TAC Section 101.357 adopted on March 13, 2002 and submitted July 15, 2002;

[2] The compliance flexibility provisions under 30 TAC Section 117.9810 can be used by DFW area sources subject to the requirements at 30 TAC Sections 117.405 (reasonably available control technology), 117.410 (major sources), or 117.1310 (electric generating sources).

[3] March 22, 2016 email from Steve Dayton, TCEQ, to Clovis Steib, EPA Region 6.

- Repeal of 30 TAC Section 101.358 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.359 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.360 adopted on June 3, 2015 and submitted August 14, 2015.
- Revisions to the 30 TAC Chapter 101, Subchapter H, Division 4 Title submitted August 14, 2015;
- Revisions to 30 TAC Section 101.370 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.371 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.372 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.373 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.376 adopted on December 10, 2008 and submitted December 22, 2008;
- Revisions to 30 TAC Section 101.376 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.378 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.379 adopted on December 10, 2008 and submitted December 22, 2008;
- Revisions to 30 TAC Section 101.379 adopted on April 10, 2013 and submitted May 14, 2013;
- Revisions to 30 TAC Section 101.379 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to the 30 TAC Chapter 101, Subchapter H, Division 6 Title submitted August 14, 2015;
- Revisions to 30 TAC Section 101.390 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.391 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.392 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.393 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.394 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.396(b) adopted on March 10, 2010 and submitted on April 6, 2010;
- Revisions to 30 TAC Section 101.396 adopted on June 3, 2015 and submitted August 14, 2015;
- Revisions to 30 TAC Section 101.399 adopted on June 3, 2015 and submitted August 14, 2015; and
- Revisions to 30 TAC Section 101.400 adopted on June 3, 2015 and submitted August 14, 2015.

The EPA has also determined that the revisions to the NO_X requirements under 30 TAC Chapter 117 submitted on July 15, 2002; May 30, 2007; and July 10, 2015 allowing for compliance flexibility using the TERP are approvable and were adopted and submitted in accordance with the CAA. Therefore, under section 110 of the Act, the EPA is approving the following revisions to the Texas SIP:

- Revisions to 30 TAC Section 117.571 adopted on March 13, 2002, and submitted July 15, 2002;
- The recodification of 30 TAC Section 117.571 as new 30 TAC Section 117.9810 adopted on May 23, 2007, and submitted on May 30, 2007; and
- Revisions to 30 TAC Section 117.9810 adopted on June 3, 2015, and submitted on July 10, 2015.

Additionally, we are making a non-substantive revision and a ministerial correction to the table in 40 CFR 52.2270(c). The EPA is making a non-substantive revision at 40 CFR 52.2270(c) to remove a duplicative entry for 30 TAC Section 117.9800—Use of Emission Credits for Compliance. The EPA initially approved this section as submitted by the State on April 6, 2012, on July 31, 2014 (79 FR 44300). We then approved revisions to this section submitted by the State on July 3, 2015, on April 13, 2016 (81 FR 21750), but did not remove the initial entry of our approval from the table. Additionally, we are making a ministerial correction to reflect that 30 TAC Section 117.410(c), (pertaining to carbon monoxide and ammonia emissions), is not in the EPA-approved Texas SIP. Our April 13, 2016 final action on the Texas SIP did not properly update the CFR table to show a recodification of subsections in 30 TAC Section 117.410 (81 FR 21750). The EPA is also revising the table in 40 CFR 52.2270(e) for Nonregulatory and Quasi-Regulatory Measures to reflect our final action on the DERC SIP Narrative adopted on December 10, 2008 and submitted on December 22, 2008 by the State.

The EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on July 10, 2017 without further notice unless we receive relevant adverse comment by June 12, 2017. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Incorporation by Reference

In this rule, we are finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the revisions to the Texas regulations as described in the Final Action section above. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the EPA Region 6 office.

V. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

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

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

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

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 10, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Samuel Coleman was designated the Acting Regional Administrator on April 27, 2017, through the order of succession outlined in Regional Order R6–1110.1, a copy of which is included in the docket for this action.

Dated: April 27, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart SS—Texas

■ 2. In § 52.2270:

■ a. In paragraph (c), the table titled ''EPA Approved Regulations in the Texas SIP'' is amended by:

■ i. Revising the centered headings for Divisions 1, 4 and 6 under Chapter 101, Subchapter H and the entries for Sections 101.300–101.303, 101.306, 101.309, 101.350–101.354, 101.356, 101.359, 101.360, 101.370–101.373, 101.376, 101.378, 101.379, 101.390–101.394, 101.396, 101.399, 101.400, and 117.410;

■ ii. Removing the entry for Section 101.358 and the second entry for Section 117.9800; and

■ iii. Adding in numerical order entries for Sections 101.357 and 117.9810.

■ b. In paragraph (e), the second table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP'' is amended by adding the entry ''Discrete Emissions Reduction Credits (DERC) SIP'' at the end.

The revisions and additions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 101—General Air Quality Rules				
*	*	*	*	*
Subchapter H—Emissions Banking and Trading				
Division 1—Emission Credit Program				
Section 101.300	Definitions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.301	Purpose	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.302	General Provisions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
Section 101.303	Emission Reduction Credit Generation and Certification.	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
* *	*	*	* *	*
Section 101.306	Emission Credit Use	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.309	Emission Credit Banking and Trading.	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
* *	*	*	* *	*
Section 101.350	Definitions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.351	Applicability	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.352	General Provisions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.353	Allocation of Allowances	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.354	Allowance Deductions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.356	Allowance Banking and Trading.	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.357	Use of Emission Reductions Generated from the Texas Emissions Reduction Plan (TERP).	3/13/2002	5/11/2017, [Insert **Federal Register** citation].	
Section 101.359	Reporting	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.360	Level of Activity Certification	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
* *	*	*	* *	*
Division 4—Discrete Emission Credit Program				
Section 101.370	Definitions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.371	Purpose	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.372	General Provisions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.373	Discrete Emission Reduction Credit Generation and Certification.	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
* *	*	*	* *	*
Section 101.376	Discrete Emission Credit Use	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.378	Discrete Emission Credit Banking and Trading.	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.379	Program Audits and Reports	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Division 6—Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program				
Section 101.390	Definitions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.391	Applicability	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.392	Exemptions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.393	General Provisions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.394	Allocation of Allowances	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.396	Allowance Deductions	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
Section 101.399	Allowance Banking and Trading.	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
Section 101.400	Reporting	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
* *	*	*	*	* *
Section 117.410	Emission Specifications for Eight-Hour Attainment Demonstration Reporting.	6/3/2015	4/13/2016, 81 FR 21750	117.410(c) NOT in SIP.
* *	*	*	*	* *
Section 117.9810	Use of Emission Reductions Generated from the Texas Emissions Reduction Plan (TERP).	6/3/2015	5/11/2017, [Insert **Federal Register** citation].	
* *	*	*	*	* *

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(e) * * *

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EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or non-attainment area	State submittal/ effective date	EPA approval date	Comments
* *	*	*	*	* *
Discrete Emissions Reduction Credits (DERC) SIP.	Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX.	12/10/2008	5/11/2017, [Insert **Federal Register** citation].	

* * * * *

[FR Doc. 2017–09472 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 61 and 63

[EPA–R09–OAR–2017–0071; FRL–9961–79-Region 9]

Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to update the Code of Federal Regulations delegation tables to reflect the current delegation status of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in Arizona and Nevada.

DATES: This rule is effective on July 10, 2017 without further notice, unless EPA receives adverse comments by June 12, 2017. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0071 at *https://www.regulations.gov,* or via email to *Steckel.Andrew@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, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, EPA Region IX, (415) 947–4152, *buss.jeffrey@epa.gov.*

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

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D. What authorities are not delegated by the EPA?
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II. EPA Action
III. Statutory and Executive Order Reviews

I. Background

A. What is the purpose of this document?

Through this document, the EPA is accomplishing the following objectives:

(1) Update the delegation tables in the Code of Federal Regulations, Title 40 (40 CFR), parts 60, 61 and 63 to provide an accurate listing of the delegated New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP); and

(2) Clarify those authorities that the EPA retains and are not granted to state or local agencies as part of NSPS or NESHAP delegation.

Update of Tables in the CFR

This action will update the delegation tables in 40 CFR parts 60, 61 and 63, to allow easier access by the public to the status of delegations in various state or local jurisdictions. The updated delegation tables will include the delegations approved in response to recent requests, as well as those previously granted. The tables are shown at the end of this document, under 40 CFR 63.99.

Recent requests for delegation that will be incorporated into the updated 40 CFR parts 60, 61 and 63 tables are identified below. Each individual submittal identifies the specific NSPS and NESHAP for which delegation was requested. The requests have already been approved by letter and simply need to be included in the CFR tables.

Agency	Date of request	Date of approval by letter
Arizona Department of Environmental Quality	January 11, 2016	August 22, 2016.
Maricopa County Air Quality Department	May 9, 2014; January 8, 2015; January 8, 2016; January 11, 2017.	November 5, 2014; August 11, 2015; August 22, 2016; February 8, 2017.
Pima County Department of Environmental Quality.	November 30, 2016	February 8, 2017.
Nevada Division of Environmental Protection	January 10, 2014; and November 25, 2015	July 10, 2014; and August 17, 2016.
Clark County Department of Air Quality and Environmental Management.	August 19, 2015	September 25, 2015.

B. Who is authorized to delegate these authorities?

Sections 111(c)(1) and 112(l) of the Clean Air Act, as amended in 1990, authorize the Administrator to delegate his or her authority for implementing and enforcing standards in 40 CFR parts 60, 61 and 63.

C. What does delegation accomplish?

Delegation grants a state or local agency the primary authority to implement and enforce federal standards. All required notifications and reports should be sent to thedelegated state or local agency with a copy to EPA Region IX, as appropriate. Acceptance of delegation constitutes agreement by the state or local agency to follow 40 CFR parts 60, 61 and 63, and the EPA's test methods and continuous monitoring procedures.

D. What authorities are not delegated by the EPA?

In general, the EPA does not delegate to state or local agencies the authority to make decisions that are likely to be nationally significant, or alter the stringency of the underlying standards. For a more detailed description of the authorities in 40 CFR parts 60 and 61 that are retained by the EPA, *see* 67 FR 20652 (April 26, 2002). For a more detailed description of the authorities in 40 CFR part 63 that are retained by the EPA, *see* 65 FR 55810 (September 14, 2000).

As additional assurance of national consistency, state and local agencies must send to EPA Region IX Enforcement Division's Air Section Chief a copy of any written decisions made pursuant to the following delegated authorities:

- Applicability determinations that state a source is not subject to a rule or requirement;
- approvals or determination of construction, reconstruction, or modification;
- minor or intermediate site-specific changes to test methods or monitoring requirements; or
- site-specific changes or waivers of performance testing requirements.

For decisions that require EPA review and approval (for example, major changes to monitoring requirements), the EPA intends to make determinations in a timely manner.

In some cases, the standards themselves specify that specific provisions cannot be delegated. State and local agencies should review each individual standard for this information.

E. Does the EPA keep some authority?

The EPA retains independent authority to enforce the standards and regulations of 40 CFR parts 60, 61 and 63.

II. EPA Action

This document serves to notify the public that the EPA is updating the 40 CFR parts 60, 61 and 63 tables for Arizona and Nevada to codify recent delegations of NSPS and NESHAP as authorized under Sections 111(c)(1) and 112(1)(l) of the Clean Air Act.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve delegation requests that comply with the provisions of the Act and applicable federal regulations. 42 U.S.C. Sections 7410(c) and 7412(l). Thus, in reviewing delegation 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 proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

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

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

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

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

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

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

In addition, the delegation submissions are 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).

List of Subjects in 40 CFR Parts 60, 61, and 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 24, 2017.

Elizabeth J. Adams,

Acting Director, Air Division, Region IX.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart A—General Provisions

■ 2. Section 60.4 is amended by revising the tables in paragraphs (d)(1) and (4) to read as follows:

§ 60.4 Address.

(d) * * *

(1) * * *

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR ARIZONA

	Subpart	Air pollution control agency			
		Arizona DEQ	Maricopa County	Pima County	Pinal County
A	General Provisions	X	X	X	X
D	Fossil-Fuel Fired Steam Generators Constructed After August 17, 1971.	X	X	X	X
Da	Electric Utility Steam Generating Units Constructed After September 18, 1978.	X	X	X	X
Db	Industrial-Commercial-Institutional Steam Generating Units	X	X	X	X
Dc	Small Industrial-Commercial-Institutional Steam Generating Units.	X	X	X	X
E	Incinerators	X	X	X	X
Ea	Municipal Waste Combustors Constructed After December 20, 1989 and On or Before September 20, 1994.	X	X	X	X
Eb	Large Municipal Waste Combustors Constructed After September 20, 1994.	X	X	X	.....
Ec	Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.	X	X	X	.....
F	Portland Cement Plants	X	X	X	X
G	Nitric Acid Plants	X	X	X	X
Ga	Nitric Acid Plants For Which Construction, Reconstruction or Modification Commenced After October 14, 2011.	.....	X	X	.....
H	Sulfuric Acid Plant	X	X	X	X
I	Hot Mix Asphalt Facilities	X	X	X	X
J	Petroleum Refineries	X	X	X	X
Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.	.....	X	X	.....
K	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.	X	X	X	X
Ka	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.	X	X	X	X
Kb	Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.	X	X	X	X
L	Secondary Lead Smelters	X	X	X	X
M	Secondary Brass and Bronze Production Plants	X	X	X	X

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR ARIZONA—Continued

	Subpart	Air pollution control agency			
		Arizona DEQ	Maricopa County	Pima County	Pinal County
N	Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.	X	X	X	X
Na	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.	X	X	X	X
O	Sewage Treatment Plants	X	X	X	X
P	Primary Copper Smelters	X	X	X	X
Q	Primary Zinc Smelters	X	X	X	X
R	Primary Lead Smelters	X	X	X	X
S	Primary Aluminum Reduction Plants	X	X	X	X
T	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	X	X	X	X
U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	X	X	X	X
V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	X	X	X	X
W	Phosphate Fertilizer Industry: Triple Superphosphate Plants.	X	X	X	X
X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	X	X	X	X
Y	Coal Preparation and Processing Plants	X	X	X	X
Z	Ferroalloy Production Facilities	X	X	X	X
AA	Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983.	X	X	X	X
AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.	X	X	X	X
BB	Kraft Pulp Mills	X	X	X	X
BBa	Kraft Pulp Mill Sources for which Construction, Reconstruction or Modification Commenced after May 23, 2013.		X	X	
CC	Glass Manufacturing Plants	X	X	X	X
DD	Grain Elevators	X	X	X	X
EE	Surface Coating of Metal Furniture	X	X	X	X
FF	(Reserved)				
Ga	Nitric Acid Plants for which Construction, Reconstruction or Modification Commenced after October 14, 2011.		X		
GG	Stationary Gas Turbines	X	X	X	X
HH	Lime Manufacturing Plants	X	X	X	X
KK	Lead-Acid Battery Manufacturing Plants	X	X	X	X
LL	Metallic Mineral Processing Plants	X	X	X	X
MM	Automobile and Light Duty Trucks Surface Coating Operations.	X	X	X	X
NN	Phosphate Rock Plants	X	X	X	X
PP	Ammonium Sulfate Manufacture	X	X	X	X
QQ	Graphic Arts Industry: Publication Rotogravure Printing	X	X	X	X
RR	Pressure Sensitive Tape and Label Surface Coating Operations.	X	X	X	X
SS	Industrial Surface Coating: Large Appliances	X	X	X	X
TT	Metal Coil Surface Coating	X	X	X	X
UU	Asphalt Processing and Asphalt Roofing Manufacture	X	X	X	X
VV	Equipment Leaks of VOC in the Synthetic Organic Industry Chemicals Manufacturing.	X	X	X	X
VVa	Equipment Leaks of VOC in the Synthetic Organic Industry for Which Construction, Reconstruction, or Chemicals Manufacturing Modification Commenced After November 7, 2006.	X	X	X	
WW	Beverage Can Surface Coating Industry	X	X	X	X
XX	Bulk Gasoline Terminals	X	X	X	X
AAA	New Residential Wood Heaters	X	X	X	X
BBB	Rubber Tire Manufacturing Industry	X	X	X	X
CCC	(Reserved)				
DDD	Volatile Organic Compounds (VOC) Emissions from the Polymer Manufacturing Industry.	X	X	X	X
EEE	(Reserved)				
FFF	Flexible Vinyl and Urethane Coating and Printing	X	X	X	X
GGG	Equipment Leaks of VOC in Petroleum Refineries	X	X	X	X

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR ARIZONA—Continued

	Subpart	Air pollution control agency			
		Arizona DEQ	Maricopa County	Pima County	Pinal County
GGGa	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.	X	X	X	
HHH	Synthetic Fiber Production Facilities	X	X	X	X
III	Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.	X	X	X	X
JJJ	Petroleum Dry Cleaners	X	X	X	X
KKK	Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.	X	X	X	X
LLL	Onshore Natural Gas Processing: SO_2 Emissions	X	X	X	X
MMM	(Reserved)				
NNN	Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.	X	X	X	X
OOO	Nonmetallic Mineral Processing Plants	X	X	X	X
PPP	Wool Fiberglass Insulation Manufacturing Plants	X	X	X	X
QQQ	VOC Emissions From Petroleum Refinery Wastewater Systems.	X	X	X	X
RRR	Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.	X	X		
SSS	Magnetic Tape Coating Facilities	X	X	X	X
TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.	X	X	X	X
UUU	Calciners and Dryers in Mineral Industries	X	X	X	
VVV	Polymeric Coating of Supporting Substrates Facilities	X	X	X	X
WWW	Municipal Solid Waste Landfills	X	X	X	
AAAA	Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commended After June 6, 2001.	X	X	X	
CCCC	Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001.	X	X	X	
EEEE	Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.	X	X	X	
GGGG	(Reserved)				
HHHH	(Reserved)				
IIII	Stationary Compression Ignition Internal Combustion Engines.	X	X	X	
JJJJ	Stationary Spark Ignition Internal Combustion Engines		X	X	
KKKK	Stationary Combustion Turbines	X	X	X	
LLLL	New Sewage Sludge Incineration Units			X	
MMMM	Emissions Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.	X			
OOOO	Crude Oil and Natural Gas Production, Transmission, and Distribution.		X	X	
QQQQ	Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces.		X	X	
TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units.		X		

* * * * * (4) * * *

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR NEVADA

	Subpart	Air pollution control agency		
		Nevada DEP	Clark County	Washoe County
A	General Provisions	X	X	X
D	Fossil-Fuel Fired Steam Generators Constructed After August 17, 1971	X	X	X

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR NEVADA—Continued

	Subpart	Air pollution control agency		
		Nevada DEP	Clark County	Washoe County
Da	Electric Utility Steam Generating Units Constructed After September 18, 1978.	X	X	
Db	Industrial-Commercial-Institutional Steam Generating Units	X	X	
Dc	Small Industrial-Commercial-Institutional Steam Generating Units	X	X	
E	Incinerators	X	X	X
Ea	Municipal Waste Combustors Constructed After December 20, 1989 and On or Before September 20, 1994.	X	X	
Eb	Large Municipal Waste Combustors Constructed After September 20, 1994.	X	X	
Ec	Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.	X	X	
F	Portland Cement Plants	X	X	X
G	Nitric Acid Plants	X	X	
Ga	Nitric Acid Plants For Which Construction, Reconstruction or Modification Commenced After October 14, 2011.	X		
H	Sulfuric Acid Plant	X	X	
I	Hot Mix Asphalt Facilities	X	X	X
J	Petroleum Refineries	X	X	
Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.	X		
K	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.	X	X	X
Ka	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.	X	X	X
Kb	Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.	X	X	
L	Secondary Lead Smelters	X	X	X
M	Secondary Brass and Bronze Production Plants	X	X	
N	Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.	X	X	
Na	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.	X	X	
O	Sewage Treatment Plants	X	X	X
P	Primary Copper Smelters	X	X	X
Q	Primary Zinc Smelters	X	X	X
R	Primary Lead Smelters	X	X	X
S	Primary Aluminum Reduction Plants	X	X	
T	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	X	X	
U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants	X	X	
V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants	X	X	
W	Phosphate Fertilizer Industry: Triple Superphosphate Plants	X	X	
X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	X	X	
Y	Coal Preparation and Processing Plants	X	X	X
Z	Ferroalloy Production Facilities	X	X	
AA	Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983.	X	X	
AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.	X	X	
BB	Kraft Pulp Mills	X	X	
CC	Glass Manufacturing Plants	X	X	
DD	Grain Elevators	X	X	X
EE	Surface Coating of Metal Furniture	X	X	X
FF	(Reserved)			
GG	Stationary Gas Turbines	X	X	X
HH	Lime Manufacturing Plants	X	X	X
KK	Lead-Acid Battery Manufacturing Plants	X	X	X
LL	Metallic Mineral Processing Plants	X	X	X
MM	Automobile and Light Duty Trucks Surface Coating Operations	X	X	X
NN	Phosphate Rock Plants	X	X	X
PP	Ammonium Sulfate Manufacture	X	X	
QQ	Graphic Arts Industry: Publication Rotogravure Printing	X	X	X
RR	Pressure Sensitive Tape and Label Surface Coating Operations	X	X	
SS	Industrial Surface Coating: Large Appliances	X	X	X
TT	Metal Coil Surface Coating	X	X	X
UU	Asphalt Processing and Asphalt Roofing Manufacture	X	X	X

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR NEVADA—Continued

	Subpart	Air pollution control agency		
		Nevada DEP	Clark County	Washoe County
VV	Equipment Leaks of VOC in the Synthetic Organic Industry Chemicals Manufacturing.	X	X	X
VVa	Equipment Leaks of VOC in the Synthetic Organic Industry for Which Construction, Reconstruction, or Chemicals Manufacturing Modification Commenced After November 7, 2006.	X	X	.....
WW	Beverage Can Surface Coating Industry	X	X	.....
XX	Bulk Gasoline Terminals	X	X	.....
AAA	New Residential Wood Heaters	.....	X	.....
BBB	Rubber Tire Manufacturing Industry	X	X	.....
CCC	(Reserved)	.....	.....	.....
DDD	Volatile Organic Compounds (VOC) Emissions from the Polymer Manufacturing Industry.	X	X	.....
EEE	(Reserved)	.....	.....	.....
FFF	Flexible Vinyl and Urethane Coating and Printing	X	X	.....
GGG	Equipment Leaks of VOC in Petroleum Refineries	X	X	.....
GGGa	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.	X	X	.....
HHH	Synthetic Fiber Production Facilities	X	X	.....
III	Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.	X	X	.....
JJJ	Petroleum Dry Cleaners	X	X	X
KKK	Equipment Leaks of VOC From Onshore Natural Gas Processing Plants	X	X	.....
LLL	Onshore Natural Gas Processing: SO_2 Emissions	X	X	.....
MMM	(Reserved)	.....	.....	.....
NNN	Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.	X	X	.....
OOO	Nonmetallic Mineral Processing Plants	X	X	.....
PPP	Wool Fiberglass Insulation Manufacturing Plants	X	X	.....
QQQ	VOC Emissions From Petroleum Refinery Wastewater Systems	X	X	.....
RRR	Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.	X	X	.....
SSS	Magnetic Tape Coating Facilities	X	X	.....
TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.	X	X	X
UUU	Calciners and Dryers in Mineral Industries	X	X	X
VVV	Polymeric Coating of Supporting Substrates Facilities	X	X	X
WWW	Municipal Solid Waste Landfills	X	X	X
AAAA	Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commended After June 6, 2001.	X	X	X
CCCC	Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001.	X	X	X
EEEE	Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.	X	X	X
GGGG	(Reserved)	.....	.....	.....
HHHH	(Reserved)	.....	.....	.....
IIII	Stationary Compression Ignition Internal Combustion Engines	X	X	X
JJJJ	Stationary Spark Ignition Internal Combustion Engines	X	X	X
KKKK	Stationary Combustion Turbines	X	X	X
LLLL	New Sewage Sludge Incineration Units	.....	X	.....
OOOO	Crude Oil and Natural Gas Production, Transmission, and Distribution	X	.....	.....

* * * * *

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

■ 3. The authority citation for part 61 continues to read as follows:

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

Subpart A—General Provisions

■ 4. Section 61.04 is amended by revising the table in paragraphs (c)(9)(i) and (iv) to read as follows:

§ 61.04 Address.

(c) * * *

(9) * * *

(i) * * *

DELEGATION STATUS FOR NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR ARIZONA

	Subpart	Air pollution control agency			
		Arizona DEQ	Maricopa County	Pima County	Pinal County
A	General Provisions	X	X	X	X
B	Radon Emissions From Underground Uranium Mines				
C	Beryllium	X	X	X	X
D	Beryllium Rocket Motor Firing	X	X	X	X
E	Mercury	X	X	X	X
F	Vinyl Chloride	X	X	X	X
G	(Reserved)				
H	Emissions of Radionuclides Other Than Radon From Department of Energy Facilities.				
I	Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.				
J	Equipment Leaks (Fugitive Emission Sources) of Benzene.	X	X	X	X
K	Radionuclide Emissions From Elemental Phosphorus Plants.				
L	Benzene Emissions from Coke By-Product Recovery Plants.	X	X	X	X
M	Asbestos	X	X	X	X
N	Inorganic Arsenic Emissions From Glass Manufacturing Plants.	X	X	X	
O	Inorganic Arsenic Emissions From Primary Copper Smelters.	X	X	X	
P	Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.	X	X		
Q	Radon Emissions From Department of Energy Facilities				
R	Radon Emissions From Phosphogypsum Stacks				
S	(Reserved)				
T	Radon Emissions From the Disposal of Uranium Mill Tailings.				
U	(Reserved)				
V	Equipment Leaks (Fugitive Emission Sources)	X	X	X	X
W	Radon Emissions From Operating Mill Tailings				
X	(Reserved)				
Y	Benzene Emissions From Benzene Storage Vessels	X	X	X	X
Z–AA	(Reserved)				
BB	Benzene Emissions From Benzene Transfer Operations	X	X	X	X
CC–EE	(Reserved)				
FF	Benzene Waste Operations	X	X	X	X

* * * * * (iv)

DELEGATION STATUS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR NEVADA

	Subpart	Air pollution control agency		
		Nevada DEP	Clark County	Washoe County
A	General Provisions	X	X	
B	Radon Emissions From Underground Uranium Mines			
C	Beryllium	X	X	X
D	Beryllium Rocket Motor Firing	X	X	
E	Mercury	X	X	
F	Vinyl Chloride	X	X	
G	(Reserved)			
H	Emissions of Radionuclides Other Than Radon From Department of Energy Facilities.	X		
I	Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.	X		
J	Equipment Leaks (Fugitive Emission Sources) of Benzene	X	X	
K	Radionuclide Emissions From Elemental Phosphorus Plants	X		
L	Benzene Emissions from Coke By-Product Recovery Plants	X	X	
M	Asbestos		X	X
N	Inorganic Arsenic Emissions From Glass Manufacturing Plants	X	X	
O	Inorganic Arsenic Emissions From Primary Copper Smelters	X	X	

DELEGATION STATUS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR NEVADA—Continued

	Subpart	Air pollution control agency		
		Nevada DEP	Clark County	Washoe County
P	Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.	X	X	
Q	Radon Emissions From Department of Energy Facilities			
R	Radon Emissions From Phosphogypsum Stacks			
S	(Reserved)			
T	Radon Emissions From the Disposal of Uranium Mill Tailings			
U	(Reserved)			
V	Equipment Leaks (Fugitive Emission Sources)	X	X	
W	Radon Emissions From Operating Mill Tailings			
X	(Reserved)			
Y	Benzene Emissions From Benzene Storage Vessels	X	X	
Z–AA	(Reserved)			
BB	Benzene Emissions From Benzene Transfer Operations	X	X	
CC–EE	(Reserved)			
FF	Benzene Waste Operations	X	X	

* * * * *

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 5. The authority citation for part 63 continues to read as follows:

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 6. Section 63.99 is amended by revising the table in paragraphs (a)(3)(i) and (a)(29)(i) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(3) * * *

(i) * * *

DELEGATION STATUS FOR PART 63 STANDARDS—ARIZONA

Subpart	Description	ADEQ [1]	MCAQD [2]	PDEQ [3]	PCAQCD [4]	GRIC [5]
A	General Provisions	X	X	X	X	X
F	Synthetic Organic Chemical Manufacturing Industry.	X	X	X	X	X
G	Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater.	X	X	X	X	X
H	Organic Hazardous Air Pollutants: Equipment Leaks.	X	X	X	X	X
I	Organic Hazardous Air Pollutants: Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.	X	X	X	X	X
J	Polyvinyl Chloride and Copolymers Production.	X	X	X		X
L	Coke Oven Batteries	X	X	X	X	X
M	Perchloroethylene Dry Cleaning	X	X	X	X	X
N	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.	X	X	X	X	X
O	Ethylene Oxide Sterilization Facilities	X	X	X	X	X
Q	Industrial Process Cooling Towers	X	X	X	X	X
R	Gasoline Distribution Facilities	X	X	X	X	X
S	Pulp and Paper	X	X	X		X
T	Halogenated Solvent Cleaning	X	X	X	X	X
U	Group I Polymers and Resins	X	X	X	X	X
W	Epoxy Resins Production and Non-Nylon Polyamides Production.	X	X	X	X	X
X	Secondary Lead Smelting	X	X	X	X	X
Y	Marine Tank Vessel Loading Operations.		X			X
AA	Phosphoric Acid Manufacturing Plants	X	X	X		X
BB	Phosphate Fertilizers Production Plants.	X	X	X		X
CC	Petroleum Refineries	X	X	X	X	X
DD	Off-Site Waste and Recovery Operations.	X	X	X	X	X

DELEGATION STATUS FOR PART 63 STANDARDS—ARIZONA—Continued

Subpart	Description	ADEQ [1]	MCAQD [2]	PDEQ [3]	PCAQCD [4]	GRIC [5]
EE	Magnetic Tape Manufacturing Operations.	X	X	X	X	X
GG	Aerospace Manufacturing and Rework Facilities.	X	X	X	X	X
HH	Oil and Natural Gas Production Facilities.	X	X	X	.....	X
II	Shipbuilding and Ship Repair (Surface Coating).	.....	.....	.....	.....	X
JJ	Wood Furniture Manufacturing Operations.	X	X	X	X	X
KK	Printing and Publishing Industry	X	X	X	X	X
LL	Primary Aluminum Reduction Plants	X	X	X	.....	X
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.	X	X	X	.....	X
NN	Wool Fiberglass Manufacturing at Area Sources.	.....	X	.....	.....	.....
OO	Tanks—Level 1	X	X	X	X	X
PP	Containers	X	X	X	X	X
QQ	Surface Impoundments	X	X	X	X	X
RR	Individual Drain Systems	X	X	X	X	X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.	X	X	X	.....	X
TT	Equipment Leaks—Control Level 1	X	X	X	.....	X
UU	Equipment Leaks—Control Level 2	X	X	X	.....	X
VV	Oil-Water Separators and Organic-Water Separators.	X	X	X	X	X
WW	Storage Vessels (Tanks)—Control Level 2.	X	X	X	.....	X
XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.	X	X	X	.....	X
YY	Generic MACT Standards	X	X	X	.....	X
CCC	Steel Pickling	X	X	X	.....	X
DDD	Mineral Wool Production	X	X	X	.....	X
EEE	Hazardous Waste Combustors	X	X	X	.....	X
GGG	Pharmaceuticals Production	X	X	X	.....	X
HHH	Natural Gas Transmission and Storage Facilities.	X	X	X	.....	X
III	Flexible Polyurethane Foam Production.	X	X	X	.....	X
JJJ	Group IV Polymers and Resins	X	X	X	X	X
LLL	Portland Cement Manufacturing Industry.	X	X	X	.....	X
MMM	Pesticide Active Ingredient Production	X	X	X	.....	X
NNN	Wool Fiberglass Manufacturing	X	X	X	.....	X
OOO	Manufacture of Amino/Phenolic Resins	X	X	X	.....	X
PPP	Polyether Polyols Production	X	X	X	.....	X
QQQ	Primary Copper Smelting	X	X	X	.....	X
RRR	Secondary Aluminum Production	X	X	X	.....	X
TTT	Primary Lead Smelting	X	X	X	.....	X
UUU	Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Recovery Units.	X	X	X	.....	X
VVV	Publicly Owned Treatment Works	X	X	X	.....	X
XXX	Ferroalloys Production	X	X	X	.....	X
AAAA	Municipal Solid Waste Landfills	X	X	X	.....	X
CCCC	Manufacturing of Nutritional Yeast	X	X	X	.....	X
DDDD	Plywood and Composite Wood Products.	X	X	X	.....	X
EEEE	Organic Liquids Distribution (non-gasoline).	X	X	X	.....	X
FFFF	Miscellaneous Organic Chemical Manufacturing.	X	X	X	.....	X
GGGG	Solvent Extraction for Vegetable Oil Production.	X	X	X	.....	X
HHHH	Wet-Formed Fiberglass Mat Production.	X	X	X	.....	X

DELEGATION STATUS FOR PART 63 STANDARDS—ARIZONA—Continued

Subpart	Description	ADEQ [1]	MCAQD [2]	PDEQ [3]	PCAQCD [4]	GRIC [5]
IIII	Surface Coating of Automobiles and Light-Duty Trucks.	X	X			X
JJJJ	Paper and Other Web Coating	X	X	X		X
KKKK	Surface Coating of Metal Cans	X	X	X		X
MMMM	Miscellaneous Metal Parts and Products.	X	X	X		X
NNNN	Large Appliances	X	X	X		X
OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles.	X	X	X		X
PPPP	Surface Coating of Plastic Parts and Products.	X	X			X
QQQQ	Wood Building Products	X	X	X		X
RRRR	Surface Coating of Metal Furniture	X	X	X		X
SSSS	Surface Coating of Metal Coil	X	X	X		X
TTTT	Leather Finishing Operations	X	X	X		X
UUUU	Cellulose Products Manufacturing	X	X	X		X
VVVV	Boat Manufacturing	X	X	X		X
WWWW	Reinforced Plastics Composites Production.	X	X	X		X
XXXX	Tire Manufacturing	X	X	X		X
YYYY	Stationary Combustion Turbines	X	X	X		X
ZZZZ	Stationary Reciprocating Internal Combustion Engines.	X	X			X
AAAAA	Lime Manufacturing Plants	X	X	X		X
BBBBB	Semiconductor Manufacturing	X	X	X		X
CCCCC	Coke Oven: Pushing, Quenching and Battery Stacks.	X	X	X		X
DDDDD	Industrial, Commercial, and Institutional Boiler and Process Heaters.	X	X			X
EEEEE	Iron and Steel Foundries	X	X	X		X
FFFFF	Integrated Iron and Steel	X	X	X		X
GGGGG	Site Remediation	X	X	X		X
HHHHH	Miscellaneous Coating Manufacturing	X	X	X		X
IIIII	Mercury Emissions from Mercury Cell Chlor-Alkali Plants.	X	X	X		X
JJJJJ	Brick and Structural Clay Products Manufacturing.	X	X	X		X
KKKKK	Clay Ceramics Manufacturing	X	X	X		X
LLLLL	Asphalt Roofing and Processing	X	X	X		X
MMMMM	Flexible Polyurethane Foam Fabrication Operation.	X	X	X		X
NNNNN	Hydrochloric Acid Production	X	X	X		X
PPPPP	Engine Test Cells/Stands	X	X	X		X
QQQQQ	Friction Products Manufacturing	X	X	X		X
RRRRR	Taconite Iron Ore Processing	X	X	X		X
SSSSS	Refractory Products Manufacturing	X	X	X		X
TTTTT	Primary Magnesium Refining	X	X	X		X
UUUUU	Coal and Oil-Fired Electric Utility Steam Generating Units.		X	X		
WWWWW	Hospital Ethylene Oxide Sterilizers		X	X		
YYYYY	Area Sources: Electric Arc Furnace Steelmaking Facilities.		X	X		
ZZZZZ	Iron and Steel Foundries Area Sources		X	X		
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.		X	X		
CCCCCC	Gasoline Dispensing Facilities		X	X		
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources.		X	X		
EEEEEE	Primary Copper Smelting Area Sources.		X	X		
FFFFFF	Secondary Copper Smelting Area Sources.		X	X		
GGGGGG	Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium.		X	X		
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.		X	X		
JJJJJJ	Industrial, Commercial, and Institutional Boilers and Process Heaters—Area Sources.		X	X		

DELEGATION STATUS FOR PART 63 STANDARDS—ARIZONA—Continued

Subpart	Description	ADEQ [1]	MCAQD [2]	PDEQ [3]	PCAQCD [4]	GRIC [5]
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources.		X	X		
MMMMMM	Carbon Black Production Area Sources.		X	X		
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds.		X	X		
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources.		X	X		
PPPPPP	Lead Acid Battery Manufacturing Area Sources.		X	X		
QQQQQQ	Wood Preserving Area Sources		X	X		
RRRRRR	Clay Ceramics Manufacturing Area Sources.		X	X		
SSSSSS	Glass Manufacturing Area Sources		X	X		
TTTTTT	Secondary Nonferrous Metals Processing Area Sources.		X	X		
VVVVVV	Chemical Manufacturing Industry—Area Sources.		X	X		
WWWWWW	Area Source Standards for Plating and Polishing Operations.		X	X		
XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.		X	X		
YYYYYY	Area Sources: Ferroalloys Production Facilities.		X	X		
ZZZZZZ	Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.		X	X		
AAAAAAA	Asphalt Processing and Asphalt Roofing Manufacturing—Area Sources.		X	X		
BBBBBBB	Chemical Preparations Industry—Area Sources.		X	X		
CCCCCCC	Paint and Allied Products Manufacturing—Area Sources.		X	X		
DDDDDDD	Prepared Feeds Manufacturing—Area Sources.		X	X		
EEEEEEE	Gold Mine Ore Processing and Production—Area Sources.		X	X		
HHHHHHH	Polyvinyl Chloride and Copolymers Production.		X	X		

[1] Arizona Department of Environmental Quality.
[2] Maricopa County Air Quality Department.
[3] Pima County Department of Environmental Quality.
[4] Pinal County Air Quality Control District.
[5] Gila River Indian Community Department of Environmental Quality. This table includes the GRIC DEQ only for purposes of identifying all state, local, and tribal agencies responsible for implementing part 63 standards within the geographical boundaries of the State of Arizona and does not establish any state regulatory authority in Indian country.

* * * * * (i) * * *

(29) * * *

DELEGATION STATUS FOR PART 63 STANDARDS—NEVADA

Subpart	Description	NDEP [1]	Washoe [2]	Clark [3]
A	General Provisions	X	X	X
F	Synthetic Organic Chemical Manufacturing Industry	X		X
G	Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater.	X		X
H	Organic Hazardous Air Pollutants: Equipment Leaks	X		X
I	Organic Hazardous Air Pollutants: Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.	X		X
J	Polyvinyl Chloride and Copolymers Production	X		X
L	Coke Oven Batteries	X		X
M	Perchloroethylene Dry Cleaning	X	X	X
N	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.	X	X	X
O	Ethylene Oxide Sterilization Facilities	X	X	X
Q	Industrial Process Cooling Towers	X		X
R	Gasoline Distribution Facilities	X	X	X

DELEGATION STATUS FOR PART 63 STANDARDS—NEVADA—Continued

Subpart	Description	NDEP [1]	Washoe [2]	Clark [3]
S	Pulp and Paper	X		X
T	Halogenated Solvent Cleaning	X	X	X
U	Group I Polymers and Resins	X		X
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X		X
X	Secondary Lead Smelting	X		X
Y	Marine Tank Vessel Loading Operations	X		
AA	Phosphoric Acid Manufacturing Plants	X		X
BB	Phosphate Fertilizers Production Plants	X		X
CC	Petroleum Refineries	X		X
DD	Off-Site Waste and Recovery Operations	X		X
EE	Magnetic Tape Manufacturing Operations	X		X
GG	Aerospace Manufacturing and Rework Facilities	X		X
HH	Oil and Natural Gas Production Facilities	X		X
II	Shipbuilding and Ship Repair (Surface Coating)	X		X
JJ	Wood Furniture Manufacturing Operations	X		X
KK	Printing and Publishing Industry	X	X	X
LL	Primary Aluminum Reduction Plants	X		X
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.	X		X
OO	Tanks—Level 1	X		X
PP	Containers	X		X
QQ	Surface Impoundments	X		X
RR	Individual Drain Systems	X		X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.	X		X
TT	Equipment Leaks—Control Level 1	X		X
UU	Equipment Leaks—Control Level 2	X		X
VV	Oil-Water Separators and Organic-Water Separators	X		X
WW	Storage Vessels (Tanks)—Control Level 2	X		X
XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.	X		X
YY	Generic MACT Standards	X		X
CCC	Steel Pickling	X		X
DDD	Mineral Wool Production	X		X
EEE	Hazardous Waste Combustors	X		X
GGG	Pharmaceuticals Production	X		X
HHH	Natural Gas Transmission and Storage Facilities	X		X
III	Flexible Polyurethane Foam Production	X		X
JJJ	Group IV Polymers and Resins	X		X
LLL	Portland Cement Manufacturing Industry	X		X
MMM	Pesticide Active Ingredient Production	X		X
NNN	Wool Fiberglass Manufacturing	X		X
OOO	Manufacture of Amino/Phenolic Resins	X		X
PPP	Polyether Polyols Production	X		X
QQQ	Primary Copper Smelting	X		X
RRR	Secondary Aluminum Production	X		X
TTT	Primary Lead Smelting	X		X
UUU	Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Recovery Units.	X		X
VVV	Publicly Owned Treatment Works	X	X	X
XXX	Ferroalloys Production	X		X
AAAA	Municipal Solid Waste Landfills	X		X
CCCC	Manufacturing of Nutritional Yeast	X		X
DDDD	Plywood and Composite Wood Products	X		X
EEEE	Organic Liquids Distribution (non-gasoline)	X	X	X
FFFF	Miscellaneous Organic Chemical Manufacturing	X		X
GGGG	Solvent Extraction for Vegetable Oil Production	X		X
HHHH	Wet-Formed Fiberglass Mat Production	X		X
IIII	Surface Coating of Automobiles and Light-Duty Trucks	X		X
JJJJ	Paper and Other Web Coating	X		X
KKKK	Surface Coating of Metal Cans	X		X
MMMM	Miscellaneous Metal Parts and Products	X		X
NNNN	Large Appliances	X		X
OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles	X		X
PPPP	Surface Coating of Plastic Parts and Products	X		X
QQQQ	Wood Building Products	X		X
RRRR	Surface Coating of Metal Furniture	X		X
SSSS	Surface Coating of Metal Coil	X		X
TTTT	Leather Finishing Operations	X		X
UUUU	Cellulose Products Manufacturing	X		X
VVVV	Boat Manufacturing	X		X
WWWW	Reinforced Plastics Composites Production	X	X	X

DELEGATION STATUS FOR PART 63 STANDARDS—NEVADA—Continued

Subpart	Description	NDEP [1]	Washoe [2]	Clark [3]
XXXX	Tire Manufacturing	X		X
YYYY	Stationary Combustion Turbines	X		X
ZZZZ	Stationary Reciprocating Internal Combustion Engines	X	X	X
AAAAA	Lime Manufacturing Plants	X		X
BBBBB	Semiconductor Manufacturing	X		X
CCCCC	Coke Oven: Pushing, Quenching and Battery Stacks	X		X
DDDDD	Industrial, Commercial, and Institutional Boiler and Process Heaters	X		X
EEEEE	Iron and Steel Foundries	X		X
FFFFF	Integrated Iron and Steel	X		X
GGGGG	Site Remediation	X		X
HHHHH	Miscellaneous Coating Manufacturing	X		X
IIIII	Mercury Emissions from Mercury Cell Chlor-Alkali Plants			X
JJJJJ	Brick and Structural Clay Products Manufacturing	X		X
KKKKK	Clay Ceramics Manufacturing	X		X
LLLLL	Asphalt Roofing and Processing	X		X
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X		X
NNNNN	Hydrochloric Acid Production	X		X
PPPPP	Engine Test Cells/Stands	X		X
QQQQQ	Friction Products Manufacturing	X		X
RRRRR	Taconite Iron Ore Processing			X
SSSSS	Refractory Products Manufacturing	X		X
TTTTT	Primary Magnesium Refining			X
WWWWW	Hospital Ethylene Oxide Sterilizers	X	X	X
YYYYY	Electric Arc Furnace Steelmaking Facilities (area sources)	X		X
ZZZZZ	Iron and Steel Foundries Area Sources	X		X
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities	X	X	X
CCCCCC	Gasoline Dispensing Facilities	X	X	X
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources	X		X
EEEEEE	Primary Copper Smelting Area Sources	X		X
FFFFFF	Secondary Copper Smelting Area Sources	X		X
GGGGGG	Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium	X		X
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.	X	X	X
JJJJJJ	Industrial, Commercial, and Institutional Boilers and Process Heaters—Area Sources.	X		
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources	X		X
MMMMMM	Carbon Black Production Area Sources	X		X
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	X		X
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources	X	X	X
PPPPPP	Lead Acid Battery Manufacturing Area Sources	X		X
QQQQQQ	Wood Preserving Area Sources	X		X
RRRRRR	Clay Ceramics Manufacturing Area Sources	X		X
SSSSSS	Glass Manufacturing Area Sources	X		X
TTTTTT	Secondary Nonferrous Metals Processing Area Sources	X		X
VVVVVV	Chemical Manufacturing Industry—Area Sources	X		X
WWWWWW	Area Source Standards for Plating and Polishing Operations	X	X	X
XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.	X	X	X
YYYYYY	Area Sources: Ferroalloys Production Facilities			X
ZZZZZZ	Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.	X		X
AAAAAAA	Asphalt Processing and Asphalt Roofing Manufacturing—Area Sources	X		X
BBBBBBB	Chemical Preparations Industry—Area Sources	X		X
CCCCCCC	Paint and Allied Products Manufacturing—Area Sources	X		X
DDDDDDD	Prepared Feeds Manufacturing—Area Sources			X
EEEEEEE	Gold Mine Ore Processing and Production—Area Sources	X		X

[1] Nevada Division of Environmental Protection.
[2] Washoe County District Health Department, Air Quality Management Division.
[3] Clark County, Department of Air Quality.

* * * * *

[FR Doc. 2017–09495 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0013; FRL–9959–91]

Flonicamid; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of flonicamid in or on multiple commodities which are identified and discussed later in this document. In addition, this regulation revokes the established tolerance for vegetable, fruiting, group 8–10 that is superseded by this action. Interregional Research Project Number 4 (IR–4) and ISK Biosciences Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 11, 2017. Objections and requests for hearings must be received on or before July 10, 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–2016–0013, 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 L. Goodis, Director, 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–2016–0013 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 July 10, 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–2016–0013, 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 May 19, 2016 (81 FR 31581) (FRL–9946–02); August 12, 2016 (81 FR 53379) (FRL–9949–53) and December 9, 2016 (81 FR 89036) (FRL–9953–69), EPA issued documents pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of pesticide petitions (PPs) by IR–4 (PP 5E8428); and ISK Biosciences (PP 5F8416 and 6F8443), respectively. These petitions request that 40 CFR 180.613 be amended by establishing tolerances for residues of the insecticide flonicamid, N-(cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide, and its metabolites, TFNA (4-trifluoromethylnicotinic acid), TFNA–AM (4-trifluoromethylnicotinamide), and TFNG, N-(4-trifluoromethylnicotinoyl)glycine, calculated as the stoichiometric equivalent of flonicamid, in or on several commodities as follows. Pesticide petition 5E8428 submitted by IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W., Princeton, NJ 08540 requests to increase the existing tolerance on Vegetables, fruiting, group 8–10 from 0.4 ppm to 1.50 ppm. Pesticide petitions 5F8416 and 6F8443 submitted by ISK Biosciences Corporation, 7470 Auburn Rd., Suite A, Concord, OH 44077 request tolerances on tea at 40 ppm and fruit, citrus group 10–10 at 1.5 ppm, respectively. All supporting documents for this final rule, which bundles the three above-referenced petitions for purposes of this final rule, are found in docket ID EPA–HQ–OPP–2016–0013.

Summaries of the petitions prepared by IR4 and the registrant, ISK Biosciences Corporation, are available in the following dockets at *http://www.regulations.gov:* PP 5E8428 in

Docket: EPA–HQ–OPP–2016–0013; PP 5F8416 in Docket: EPA–HQ–OPP–2011–0985; and PP 6F8443 in EPA–HQ–OPP–2015–0561. Comments were received on the notices of filings. EPA's responses to the comments are discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has revised the tolerance level for certain crops and corrected commodity definitions to be consistent with current EPA policies. The reasons for these changes are explained in Unit IV.D.

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 flonicamid, including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with flonicamid follows.

A. Toxicological Profile

EPA has evaluated the available toxicity database 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.

Flonicamid and its metabolites of concern, TFNA, TFNA–AM, TFNG, TFNG–AM, and TFNA–OH, demonstrated low toxicity in acute oral toxicity studies. Fonicamid showed no systemic toxicity in a 28-day dermal study at the limit dose.

Feeding studies in rats and dogs show the kidney and liver are the target organs for flonicamid toxicity. In repeat-dose subchronic and chronic oral toxicity studies, the consistently observed adverse effect in rats and mice were kidney toxicity (*i.e.,* hyaline deposition and nephritis); in dogs, vomiting and increased percentage of reticulocytes (an indicator for potential anemia).

There is no evidence that flonicamid results in increased susceptibility (qualitative or quantitative) *in utero* in rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study. In the rat prenatal developmental toxicity study, maternal toxicity consisted of kidney toxicity (*i.e.,* nephritis) in the absence of developmental toxicity at the highest-dose tested (HDT); in the rabbit, maternal toxicity consisted of decreased food consumption in the absence of developmental toxicity at the HDT. In the rat reproduction and fertility effects study, parental toxicity (*i.e.,* kidney hyaline deposition and luteinizing hormone level increases) occurred at doses much lower than doses causing offspring effects (*i.e.,* decreased body weight and delayed sexual maturation).

There are no concerns for flonicamid neurotoxicity. In the acute neurotoxicity study in rats, signs of toxicity such as decreased motor activity, tremors, impaired gait, and impaired respiration were observed at lethal dose levels (1000 mg/kg). In the subchronic neurotoxicity study, decreased body weight, food consumption, foot splay, and motor activity were observed in males at doses greater than 67 mg/kg/day, and in females at 722 mg/kg/day. In the immunotoxicity study in mice, there were no indications of increased immunotoxic potential in the T-cell dependent antibody response (TDAR) assay at the limit dose.

Mutagenicity studies were negative for flonicamid and its metabolites of concern. Treatment-related lung tumors were observed in CD–1 mice. This tumor type, however, is associated with species and strain sensitivity and is not directly correlated with cancer risks in humans. Nasal cavity tumors in male Wistar rats were linked to incisor inflammation. Nasolacrimal duct tumor findings for females were confounded by the lack of a dose-response, and the biological significance of these tumors is questionable. The determination of carcinogenicity potential for flonicamid was based on the weight of the evidence approach and resulted in the classification of ''suggestive evidence of carcinogenicity, but not sufficient to assess human carcinogenic potential.'' The Agency determined that quantification of risk using a non-linear approach (*i.e.,* using a chronic reference dose (cRfD)) adequately accounts for all chronic toxicity, including carcinogenicity that could result from exposure to flonicamid.

Specific information on the studies received and the nature of the adverse effects caused by flonicamid 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 ''Subject: Flonicamid. Human Health Risk Assessment for New Uses on Legume Vegetables, Subgroups 6A, 6B, and 6C; Add Directions for use on Greenhouse Grown Peppers and Increase the Tolerance for Residues on Fruiting Vegetables, Group 8–10; New Use on Citrus Fruits, Group 10–10; and a Tolerance without U.S. Registration for residues in/on Dried Tea'' at page 28 in docket ID number EPA–HQ–OPP–2016–0013.

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://*

www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.

A summary of the toxicological endpoints for flonicamid used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of November 14, 2012 (77 FR 67771) (FRL–9368–7).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to flonicamid, EPA considered exposure under the petitioned-for tolerances as well as all existing flonicamid tolerances in 40 CFR 180.613. EPA assessed dietary exposures from flonicamid 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 flonicamid; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the Dietary Exposure Evaluation Model—Food Commodity Intake Database (DEEM–FCID™), Version 3.16, which incorporates 2003–2008 food consumption information from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA used an unrefined chronic dietary assessment conducted assuming 100 percent crop treated (PCT) estimates, tolerance-level residues for all commodities, and empirical or Dietary Exposure Evaluation Model—Food Commodity Intake Database (DEEM–FCID™) default processing factors. The processing factor was set to 1.0 for potato granules/flakes, tomato paste and tomato puree; for all other processed commodities DEEM default processing factors were used.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to flonicamid. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii., *chronic exposure.*

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for flonicamid. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.*

The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for flonicamid in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of flonicamid. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

The drinking water assessment was conducted using both a parent only exposure, and a total toxic residue approach, which considers the parent compound and its major degradates of concern. Total toxic residues include 4-trifluoromethylnicotinic acid (TFNA), 4-trifluoromethylnictinamide (TFNA-AM), 6-hydro-4-trifluoromethylnicotinic acid (TFNA-OH), *N*-(4-trifluoromethylnicotinoyl)glycine (TFNG), and *N*-(4-trifluoromethylnicotinoyl)glycinamide (TFNG-AM).

Based on the Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of flonicamid for chronic exposures for non-cancer assessments are estimated to be 0.94 parts per billion (ppb) for surface water and 9.92 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration value of 9.92 ppb was used to assess the contribution to drinking water.

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). Flonicamid is not registered for any specific use patterns that would result in residential exposure.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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 flonicamid to share a common mechanism of toxicity with any other substances, and flonicamid does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that flonicamid 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 *http://www2.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.* The prenatal and postnatal toxicity database for flonicamid includes prenatal developmental toxicity studies in rats and rabbits and a multigeneration reproduction toxicity study in rats. There is no evidence that flonicamid results in increased susceptibility (qualitative or quantitative) *in utero* in rats or rabbits in the prenatal developmental studies or in young rats in the multi-generation reproduction study. No developmental effects were seen in rabbits. In the multi-generation reproduction study, developmental delays in the offspring (decreased body weights, delayed sexual maturation) were seen only in the presence of parental toxicity (kidney and blood effects). Also, there are clear NOAELs and LOAELs for all effects. The degree of concern for prenatal and/or post-natal susceptibility is, therefore, low due to the lack of evidence of qualitative and quantitative susceptibility.

3. *Conclusion.* 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, except where assessing risks from inhalation exposure as discussed below. Those decisions are based on the following findings:

i. The toxicity database for flonicamid is essentially complete, except for an outstanding subchronic 28-day inhalation study. In the absence of a subchronic inhalation study, EPA has retained a 10X FQPA SF to assess risks from inhalation exposure, although at present, residential inhalation exposure is not expected from existing or pending uses of flonicamid.

ii. There is no evidence that flonicamid is a neurotoxic chemical. As discussed in Unit III.A., EPA has concluded that the clinical signs observed from available acute and subchronic neurotoxicity studies were not the result of a neurotoxic mechanism. Therefore, there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that flonicamid results in increased susceptibility *in utero* in 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 chronic dietary food exposure assessment was based on 100 PCT, tolerance-level residues and where applicable, default processing factors. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to flonicamid in drinking water. These assessments will not underestimate the exposure and risks posed by flonicamid.

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.

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, flonicamid 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 flonicamid from food and water will utilize 59% of the cPAD for children 1–2 years old the population group receiving the greatest exposure. There are no residential uses for flonicamid.

3. *Short- and intermediate-term risks.* Short- and intermediate-term aggregate exposures take into account short- and intermediate-term residential exposures plus chronic exposure to food and water (considered to be a background exposure level). Flonicamid is not registered for any use patterns that would result in short- and intermediate-term residential exposures.

4. *Aggregate cancer risk for U.S. population.* Based on the information referenced in Unit III.A., EPA has concluded that the cPAD is protective of possible cancer effects from flonicamid, and as evidenced in Unit III.E.2, aggregate exposure to flonicamid is below the cPAD.

5. *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 flonicamid residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (FMC Method No. P–3561M, a liquid chromatography with tandem mass spectrometry (LC/MS/MS) method) is available to enforce the tolerance expression for flonicamid and its metabolites in or on plant commodities.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

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 MRLs for flonicamid.

C. Response to Comments

1. Anonymous comments: One comment each on petitions, 5E8428 and 5F8416, was received. Both comments claim that flonicamid is a ''toxic pesticide'' and residues at any level in food commodities including tea (leaves) should not be allowed and requested that EPA deny setting tolerances for the petition-for new uses of flonicamid. One comment stated that the proposed flonicamid use would add to about 25,000 toxic chemicals currently in the environment and combine to create even more toxic chemical residues in food and drinking water further increasing harmful effects to humans and environment.

Agency response: The Agency understands the commenters' concerns and recognizes that some individuals believe that pesticides should be banned completely. However, under the existing legal framework provided by FFDCA section 408, EPA is authorized to establish pesticide tolerances or exemptions where persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute.

When new or amended tolerances are requested for the presence of the residues of a pesticide and its toxicologically significant metabolite(s) in food or feed, the Agency, as is required by FFDCA section 408, estimates the risk of the potential exposure to these residues by performing an aggregate risk assessment. Such a risk assessment integrates the individual assessments that are conducted for food, drinking water, and residential exposures. Additionally, the Agency, as is further required by FFDCA Section 408, considers available information concerning what are termed the cumulative toxicological effects of the residues of that pesticide and of other substances having a common mechanism of toxicity with it. The Agency has concluded after this assessment that there is a reasonable certainty that no harm will result from

exposure to the residues of interest. Therefore, the proposed tolerance(s) are found to be acceptable.

2. Comment: A comment on petition 6F8443 stressed the importance of the Agency's use of concise and reliable analytical methods to identify and quantify chemical residues of flonicamid and various fungicides in order to draw accurate and definitive scientific conclusions regarding their effects on the environment.

Agency response: An available, accurate and concise EPA approved analytical method is a prerequisite for EPA pesticide registration and critical to the Agency's ability to identify, monitor and enforce pesticides residues, including metabolites and degradates of concern, that may exist in trace amounts in plants, animals and the environment. Unit IV.A. of this document identifies the specific analytical method used by the Agency in enforcing appropriate flonicamid use as well as how additional information can be obtained on the method.

D. Revisions to Petitioned-For Tolerances

Although the petitioner requested that the vegetable, fruiting group 8–10 tolerances be increased from 0.4 ppm to 1.5 ppm, data submitted did not support an increase in tolerances for the entire subgroup. The submitted data (which examined residues on greenhouse peppers only) only support an increase for the commodities in subgroup 8–10B. Therefore, EPA is maintaining the existing tolerance level for crops in subgroup 8–10A and revising the tolerance level for crops in subgroup 8–10B. Using the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedures and available field trial data (average) residues, EPA is establishing a tolerance for Pepper/Eggplant subgroup 8–10B at 3.0 ppm, instead of at 1.5 ppm as requested.

V. Conclusion

Therefore, tolerances are established for residues of flonicamid, N-(cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide, and its metabolites, TFNA (4-trifluoromethylinicotinic acid), TFNA-AM (4-trifluoromethylnicotinamide), and TFNG, N-(4-trifluoromethylnicotinoyl)glycine, calculated as the stoichiometric equivalent of flonicamid, in or on Fruit, citrus, group 10–10 at 1.5 ppm; Pepper/Eggplant, subgroup 8–10B at 3.0 ppm; Tea at 40 ppm; and Tomato subgroup 8–10A at 0.4 ppm. In addition, EPA is revoking the existing tolerance for Vegetable, fruiting, group 8–10 because it is superseded by the new tolerances for subgroups 8–10A and 8–10B.

VI. Statutory and Executive Order Reviews

This action establishes tolerances 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: March 21, 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 § 180.613:

■ i. Remove ''Vegetable, fruiting, group 8–10'' from the table in paragraph (a).

■ ii. Add alphabetically the following commodities to the table in paragraph (a): ''Fruit, citrus, group 10–10''; ''Pepper/Eggplant, subgroup 8–10B''; and ''Tomato subgroup 8–10A''.

■ iii. Add ''Tea'' to the table in paragraph (a) and add footnote 1.

The additions to the table in paragraph (a) read as follows:

§ 180.613 Flonicamid; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Fruit, citrus, group 10–10	1.5

Commodity	Parts per million
* * * * *	
Pepper/Eggplant, subgroup 8–10B	3.0
* * * * *	
Tea[1]	40
* * * * *	
Tomato subgroup 8–10A	0.4
* * * * *	

[1] There are no U.S. registrations for tea as of May 11, 2017.

* * * * *

[FR Doc. 2017–09592 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0160; FRL–9960–50]

Fluazinam; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of fluazinam in or on tea, dried. ISK Biosciences Corporation requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 11, 2017. Objections and requests for hearings must be received on or before July 10, 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–2016–0160, 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 Divison (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–2016–0160 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 July 10, 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–2016–0160, 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 May 19, 2016 (81 FR 31583) (FRL–9946–02), 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 6E8449) by ISK Biosciences Corporation, 7470 Auburn RD, Suite A, Concord, OH 44077. The petition requested that 40 CFR 180.574 be amended by establishing tolerances for residues of the fungicide fluazinam, in or on dried tea at 5.0 parts per million (ppm). That document referenced a summary of the petition prepared by ISK Biosciences Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has revised the proposed tolerance from 5.0 ppm to 6.0 ppm. The reason for these changes are explained in Unit IV.D.

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 fluazinam including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fluazinam follows.

In the **Federal Register** of April 8, 2016 (81 FR 20545) (FRL 9942–99), EPA established tolerances for residues of fluazinam in or on cabbage at 3.0 parts per million (ppm), mayhaw at 2.0 ppm, the cucurbit vegetable crop group 9 at 0.07 ppm, and the tuberous and corm vegetable subgroup 1C at 0.02 ppm, and amended the commodity definition for the existing tolerance in vegetable, *Brassica* leafy, group 5 to vegetable, *Brassica* leafy, group 5, except cabbage. Fluazinam is also registered for use in other plant commodities at levels ranging from 0.01 ppm to 7.0 ppm. A tolerance (without US registration) has been established for residues of fluazinam and its metabolite AMGT in/on wine grapes at 3.0 ppm, and tolerances of 0.05 ppm have been established for residues of fluazinam and its metabolites AMPA and DAPA and their sulfamate conjugates in/on the fat and meat byproducts of cattle, goats, horses, and sheep.

ISK Biosciences submitted 5 field trials for fluazinam on dried tea. The Agency finds these data are acceptable and sufficient to support the requested tolerance. The Agency also determined that establishing this tolerance would not result in any change in the exposure estimates from the previous risk assessment for fluazinam. Since the publication of the April 8, 2016 final rule, the toxicity profile of fluazinam has not changed, and the risk assessments that supported the establishment of those tolerances published in the **Federal Register** remain valid. The dietary risks for fluazinam are based on the parent compound for bulb vegetables and in root and tuber vegetables. For all other plant commodities, the residues of concern in plants for risk assessment are fluazinam and its metabolite AMGT. In drinking water, the degradates of concern are parent fluazinam and its transformation products. In livestock commodities, the residues of concern are fluazinam, the metabolites AMPA, DAPA, and their sulfamate conjugates.

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 fluazinam residues.

For a detailed discussion of the aggregate risk assessments and determination of safety for the proposed tolerances, please refer to the April 8, 2016 **Federal Register** document and its supporting documents, available at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2015–0197.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (a gas chromatographic method with electron capture detection (GC/ECD)) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

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 an MRL for fluazinam in any commodities.

C. Response to Comments

EPA received one comment to the published Notice of Filing. This comment stated, in part and without any supporting information, that EPA should deny this petition because it is a harmful and toxic chemical with no benefits. The Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops. The existing legal framework provided by section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), however, states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. EPA has assessed the effects of this chemical on human health and determined that aggregate exposure to it will be safe. This comment provides no information to support an alternative conclusion.

D. Revisions to Petitioned-For Tolerances

The petitioner proposed tolerances for fluazinam in or on dried tea at 5.0 ppm. When mean residues from each of the tea field trials were entered into the Organization for Economic Cooperation and Development (OECD) MRL/Tolerance Calculation Procedure, the resulting tolerance was 6.0 ppm. Therefore, EPA is establishing a tolerance of 6.0 ppm rather than the requested tolerance of 5.0 ppm.

V. Conclusion

Therefore, a tolerance is established for residues of fluazinam, 3-chloro-*N*-[3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl]-5-(trifluoromethyl)-2-pyridinamine, in or on tea, dried at 6.0 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances 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: 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 § 180.574, add alphabetically the entry ''Tea, dried [1]'' and footnote 1 to the table in paragraph (a)(1) to read as follows:

§ 180.574 Fluazinam; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Tea, dried [1]	6.0
* * * * *	

[1] There is no U.S. registration as of January 19, 2017.

* * * * *

[FR Doc. 2017–09590 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 160808696–7010–02]

RIN 0648–BG76

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2017–2018 Biennial Specifications and Management Measures; Inseason Adjustments

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures.

SUMMARY: This final rule announces inseason changes to management measures in the Pacific Coast groundfish fishery. This action implements an increase in the incidental Pacific halibut retention ratio in the sablefish primary fishery, and changes to recreational fisheries management measures that will reduce recreational groundfish and rockfish bag limits and eliminate length requirements for recreationally caught lingcod in all areas.

DATES: This final rule is effective May 11, 2017.

FOR FURTHER INFORMATION CONTACT: Benjamin Mann phone: 206–526–6117, fax: 206–526–6736, or email: *Benjamin.mann@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This rule is accessible via the Internet at the Office of the Federal Register Web site at *https://www.federalregister.gov.* Background information and documents are available at the Pacific Fishery Management Council's Web site at *http://www.pcouncil.org/.*

Background

The Pacific Fishery Management Council (Council)—in coordination with the International Pacific Halibut Commission (IPHC) and the States of Washington, Oregon, and California—recommended changes to groundfish management measures at its March 7–13, 2017, meeting. Specifically, the Council recommended (1) an increase in incidental halibut retention allocation in the primary sablefish fishery from 110 lbs dressed weight halibut per 1,000 lbs dressed weight sablefish, to 140 lbs halibut to 1,000 lbs sablefish to improve opportunity for industry to harvest more of the sablefish allocation without exceeding it or the incidental halibut allocation ACLs, and (2) a reduction in rockfish bag limits in the Washington recreational groundfish fishery (all areas) from 10 to 7 rockfish per angler, a reduction in the aggregated groundfish daily bag limit from 12 to 9 fish per angler, and finally, removal of the 22-inch minimum size limit for lingcod retention.

Increased Incidental Halibut Retention in the Limited Entry Fixed Gear Sablefish Primary Fishery

The IPHC establishes total allowable catch (TAC) amounts for Pacific halibut each year in January. Under the authority of the Northern Pacific Halibut Act, and implementing regulations at 50 CFR 300.63, a Catch Sharing Plan for IPHC Area 2A (waters off the U.S. West Coast), developed by the Council and

implemented by the Secretary, allocates portions of the annual TAC among fisheries off Washington, Oregon, and California. Pacific halibut is generally a prohibited species for vessels fishing in Pacific coast groundfish fisheries, unless explicitly allowed in groundfish regulations and authorized by the Pacific halibut Catch Sharing Plan.

In years where the Pacific halibut TAC is above 900,000 lbs (408.2 mt), the Catch Sharing Plan allows the limited entry fixed gear sablefish primary fishery an incidental total catch allowance for Pacific halibut north of Pt. Chehalis, WA (46°53.30′ N. lat.). The 2017 Pacific halibut Area 2A TAC is 1,330,000 lbs (603 mt), a 190,000 lb (86.2 mt) increase from 2016. Consistent with the provisions of the Catch Sharing Plan, the limited entry fixed gear sablefish primary fishery north of Pt. Chehalis, WA is allowed an incidental total catch limit of 70,000 lbs (31.7 mt) for 2017.

At its March 2017 meeting, the Council considered the new 2017 total allowable catch (TAC) for Pacific halibut in Area 2A (waters off the U.S. West coast), and the total catch of Pacific halibut in the limited entry fixed gear sablefish primary fishery in recent years. Given the higher halibut allocation in 2017, the Groundfish Advisory Panel (GAP) requested the GMT look at recent participation in the primary fixed gear sablefish fishery north of Point Chehalis, and provide analysis relative to a reasonable ratio of halibut to sablefish, since it has been several years since the allocation has been at the level achieved for 2017.

Current regulations provide for halibut retention starting on April 1 with a landing ratio of 110 lbs dressed weight of halibut, for every 1,000 lbs dressed weight of sablefish landed, and up to an additional 2 halibut in excess of this ratio. These limits were based on the 2016 allocation of 49,686 lbs (approximately 71 percent of the 2017 allocation) and resulted in a catch of 29,499 lbs of incidental halibut, and 372,113 lbs of sablefish (approximately 58 percent of the sablefish allocation). At the March, 2017 Council meeting, the GMT examined landing restriction ratios of 110, 140, and 150 lbs dressed halibut per 1,000 lbs dressed sablefish. Based on 2016 catch totals, the number of vessels fishing that participated, and the average number of trips taken, which constitutes the best available information, an increase from 100 lbs to 140 lbs dressed incidental Pacific halibut retention per 1,000 lbs dressed sablefish would allow total catch of Pacific halibut to approach, but not exceed, the 2017 allocation for the sablefish primary fishery and provide greater opportunity for industry to catch a higher percentage of the sablefish primary fishery allocation. This ratio can be adjusted through routine inseason action based on participation and landings in the fishery, if warranted.

In order to allow increased incidental halibut catch in the sablefish primary fishery to begin on April 1, or as soon as possible thereafter, the Council recommended and NMFS is revising incidental halibut retention regulations at § 660.231(b)(3)(iv) to increase the catch ratio to ''140 lb (64 kg) dressed weight of halibut for every 1,000 pounds (454 kg) dressed weight of sablefish landed and up to 2 additional halibut in excess of the 140 lbs per 1,000 lbs ratio per landing.''

The retention limits for Pacific halibut were not revised as part of the 2017–2018 harvest specifications and management measures because the Pacific halibut TAC is developed each year based on the most current scientific information, and the TAC for 2017 was not determined until the IPHC meeting in January, 2017.

Washington State Recreational Management Measures

In June, 2016, the Council recommended Washington recreational groundfish regulations for 2017 and 2018. At that time, management measures were anticipated to keep recreational yelloweye rockfish within harvest guidelines and black rockfish catch within harvest targets. Once catch data was compiled for 2016, harvest projections for black rockfish in 2017 and 2018 exceeded the harvest targets. As a result, WDFW adopted revised management measures by emergency rule in February 2017, consistent with Federal guidelines that state regulations may be more restrictive than Federal regulations. At its March 2017 meeting, the Council considered taking action to modify Federal regulations to keep catch within harvest targets and bring consistency with state regulations.

The Council considered the best available fishery information, and recommended a reduction in the daily rockfish bag limit from 10 to 7 per angler to keep the Washington recreational black rockfish catch within the harvest targets for 2017 and 2018 as described. A 7 rockfish bag limit is anticipated to keep harvest of black rockfish within the target harvest limit and avoid having further bag limit reductions inseason.

In the Washington recreational groundfish fishery, the aggregate groundfish limit is currently, and has traditionally been 2 fish higher than the rockfish bag limit (with a rockfish limit of 10 fish the groundfish total bag limit was 12 fish), allowing anglers to retain a 2 fish bag limit for species other than rockfish, like lingcod or cabezon. To remain consistent with Washington recreational groundfish regulations, the Council recommended reducing the aggregate groundfish daily bag limit from 12 to 9 keeping the aggregate limit at 2 fish higher than the rockfish daily bag limit. Given their recommendation to reduce the rockfish daily bag limit from 10 fish to 7 fish, the Council also recommended an aggregate groundfish bag limit reduction from 12 to 9.

Recreational fishing regulations do not allow yelloweye rockfish to be retained, to discourage targeting, keep mortality within the harvest guideline, and promote rebuilding. Yelloweye rockfish are often caught incidentally while targeting other groundfish species, such as lingcod. Under current Washington state regulations, lingcod must be a minimum of 22 inches to be retained. Angler interview data indicates that the number of discarded lingcod has increased in recent years, suggesting that anglers are catching undersized lingcod at a higher rate. Removing the minimum lingcod size limit is intended to encourage anglers to retain the first two lingcod caught, reducing their time on the water and potential interactions with yelloweye rockfish. Consistent with WDFW's regulations, the Council recommended removing the 22-inch minimum size limit for lingcod in the Washington recreational groundfish fishery.

The Council also recommended removing a requirement for observers to count and weigh canary rockfish and bocaccio before leaving a Shorebased IFQ vessel that has docked but hasn't yet offloaded. Higher 2017 ACLs and trawl allocations for these two species are anticipated to increase the volume of fish landed and to reduce a vessel's incentive to discard the fish while in port but prior to offload. Additionally, canary rockfish is no longer managed under a rebuilding plan, therefore the added burden for accounting catch of this species is no longer necessary. The Council considered modification to shorten the length of time the observer must remain on board the vessel once it docks, potentially saving vessels a small part of the cost of the observer's time.

The species that are subject to this catch accounting requirement are designated as a routine management measure at § 660.60(c)(1) and may be revised after a single Council meeting. However, NMFS has not found good cause to waive notice and comment in

this case. Higher 2017 ACLs and trawl allocations, potential for higher catches and rebuilding status of these two species was considered in a notice and comment rule over winter (81 FR 75266, October 28, 2016; 82 FR 9634, February 7, 2017). Circumstances facilitating the Council to recommend this change are not substantively different from those that were considered in the 2017–2018 harvest specifications and management measures rule. There is no evidence of higher than anticipated catches in early 2017 for these species, or other new information suggesting that there is good cause to waive notice and comment. Therefore, NMFS is not including this change in this inseason action. NMFS notified the Council at its April meeting of our intent to implement this regulatory change through a notice and comment rulemaking.

Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures based on the best available information, and is consistent with the Pacific Coast Groundfish FMP and its implementing regulations.

This action is taken under the authority of 50 CFR 660.60(c) and is exempt from review under Executive Order 12866.

The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, West Coast Region, NMFS, during business hours.

NMFS finds good cause to waive prior public notice and comment on the revisions to groundfish management measures under 5 U.S.C. 553(b) because notice and comment would be impracticable and contrary to the public interest. Also, for the same reasons, NMFS finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that the regulatory changes in this final rule may become effective as soon as possible.

At its March, 2017 meeting, the Council was presented with the IPHC final Area 2A Pacific halibut TAC of 1,330,000 lbs (603 mt). The Pacific halibut TAC is above 900,000 lbs (408.2 mt), therefore, per the Area 2A Catch Sharing Plan, retention of Pacific halibut will be allowed in the Limited Entry Fixed Gear (LEFG) sablefish primary fishery in 2017. Because the 2017 TAC is 190,000 lbs (86 mt) higher in 2017 than in 2016, the Council recommended an increase from 110 lbs to 140 lbs of dressed weight halibut per 1,000 lbs dressed weight sablefish. The Council recommended this increased limit be implemented by April 1, 2017, the start of the LEFG sablefish primary fishery, or as soon as possible thereafter to increase Pacific halibut harvest opportunity, to allow Pacific halibut to be retained throughout the LEFG sablefish primary season, and to achieve attainment of incidental Pacific halibut quota in this fishery given the most recent Pacific halibut catch data and higher 2017 allocation.

During this March, 2017 meeting, the Council also recommended a reduction in the Washington recreational daily rockfish limit and daily aggregate groundfish limit, as well as removal of the 22 inch size limit for lingcod in all areas, in conformance with Washington state recreational fisheries management measures. This recommendation is based on the most recent information available including 2016 catch data as presented to the Council in March 2017. This data indicates that 2017 and 2018 black rockfish harvest projections for Washington recreational fisheries would exceed their target amounts through the end of the year if no changes were made. These adjustments to management measures are intended, and must be implemented in a timely manner, to prevent black rockfish harvest in the Washington recreational groundfish fishery, when combined with harvest in Washington commercial fisheries, from exceeding the black rockfish ACL for the area between the U.S.-Canada border and 46°16′ N. lat.

There was not sufficient time after the March meeting to undergo proposed and final rulemaking before these actions need to be in effect. For the actions to be implemented in this final rule, affording the time necessary for prior notice and opportunity for public comment would prevent NMFS from managing fisheries using the best available science to approach, without exceeding ACLs in accordance with the PCGFMP, the Pacific halibut Area 2A CSP, and applicable law. If this rule is not implemented in a timely manner, the public could have incorrect information regarding Washington State recreational groundfish regulations which could result in confusion and be inconsistent with the Council's intent.

For the actions to be implemented in this final rule, affording the time necessary for prior notice and opportunity for public comment would prevent NMFS from managing fisheries using the best available science to prevent overfishing in accordance with the PCGFMP and applicable law.

Delaying these changes would also keep management measures in place that are not based on the best available information. Such delay would impair achievement of the PCGFMP goals and objectives of managing for appropriate harvest levels while providing for year-round fishing and marketing opportunities. No aspect of this action is controversial, and changes of this nature were anticipated in the groundfish biennial harvest specifications and management measures established for 2017–2018.

Accordingly, for the reasons stated above, NMFS finds good cause to waive prior notice and comment and to waive the delay in effectiveness.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Reporting and recordkeeping requirements.

Dated: May 8, 2017.

Karen H. Abrams,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.231, revise paragraph (b)(3)(iv) to read as follows:

§ 660.231 Limited entry fixed gear sablefish primary fishery.

* * * * *

(b) * * *

(3) * * *

(iv) *Incidental Pacific halibut retention north of Pt. Chehalis, WA (46°53.30′ N. lat.).* From April 1 through October 31, vessels authorized to participate in the sablefish primary fishery, licensed by the International Pacific Halibut Commission for commercial fishing in Area 2A (waters off Washington, Oregon, California), and fishing with longline gear north of Pt. Chehalis, WA (46°53.30′ N. lat.) may possess and land up to the following cumulative limits: 140 pounds (64 kg) dressed weight of Pacific halibut for every 1,000 pounds (454 kg) dressed weight of sablefish landed and up to 2 additional Pacific halibut in excess of the 140-pounds-per-1,000-pound ratio per landing. ''Dressed'' Pacific halibut in this area means halibut landed eviscerated with their heads on. Pacific halibut taken and retained in the sablefish primary fishery north of Pt. Chehalis may only be landed north of Pt. Chehalis and may not be possessed or landed south of Pt. Chehalis.

* * * * *

■ 3. In § 660.360, revise paragraphs (c)(1) introductory text and (c)(1)(ii) and (iv) to read as follows:

§ 660.360 Recreational fishery—management measures.

* * * * *

(c) * * *

(1) *Washington.* For each person engaged in recreational fishing off the coast of Washington, the groundfish bag limit is 9 groundfish per day, including rockfish, cabezon and lingcod. Within the groundfish bag limit, there are sub-limits for rockfish, lingcod, and cabezon outlined in paragraph (c)(1)(i)(D) of this section. The recreational groundfish fishery will open the second Saturday in March through the third Saturday in October for all species in all areas except lingcod in Marine Area 4 as described in paragraph (c)(1)(iv) of this section. In the Pacific halibut fisheries, retention of groundfish is governed in part by annual management measures for Pacific halibut fisheries, which are published in the **Federal Register**. The following seasons, closed areas, sub-limits and size limits apply:

* * * * *

(ii) *Rockfish.* In areas of the EEZ seaward of Washington that are open to recreational groundfish fishing, there is a 7 rockfish per day bag limit. In Marine Areas 1 and 2 there is a 1 fish sub-bag limit per day for canary rockfish. Taking and retaining canary rockfish is prohibited in Marine Areas 3 and 4. Taking and retaining yelloweye rockfish is prohibited in all Marine areas.

* * * * *

(iv) *Lingcod.* In areas of the EEZ seaward of Washington that are open to recreational groundfish fishing and when the recreational season for lingcod is open, there is a bag limit of 2 lingcod per day. The recreational fishing seasons are as follows:

(A) Between the U.S./Canada border and 48°10′ N. lat. (Cape Alava) (Washington Marine Area 4), recreational fishing for lingcod is open, for 2017 and 2018, from April 16 through October 15.

(B) Between 48°10′ N. lat. (Cape Alava) and 46°16′ N. lat. (Columbia River) (Washington Marine Areas 1–3), recreational fishing for lingcod is open for 2017 from March 11 through October 21, and for 2018 from March 10 through October 20.

* * * * *

[FR Doc. 2017–09577 Filed 5–8–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 90
Thursday, May 11, 2017

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

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1024

[Docket No. CFPB–2017–0012]

Request for Information Regarding 2013 Real Estate Settlement Procedures Act Servicing Rule Assessment

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of assessment of 2013 RESPA servicing rule and request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is conducting an assessment of the Mortgage Servicing Rules Under the Real Estate Settlement Procedures Act (Regulation X), as amended prior to January 10, 2014, in accordance with section 1022(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Bureau is requesting public comment on its plans for assessing this rule as well as certain recommendations and information that may be useful in conducting the planned assessment.

DATES: Comments must be received on or before: July 10, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2017–0012, by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2017–0012 in the subject line of the email.
- *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: All submissions should include the document title and docket number. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. 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 generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Erik Durbin, Senior Economist; Laura A. Johnson, Senior Counsel; Laurie Maggiano, Servicing and Secondary Markets Program Manager; Division of Research, Markets, and Regulations at (202) 435–9243.

SUPPLEMENTARY INFORMATION:

I. Background

Congress established the Bureau in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).[1] In the Dodd-Frank Act, Congress generally consolidated in the Bureau the rulemaking authority for Federal consumer financial laws previously vested in certain other Federal agencies. Congress also provided the Bureau with the authority to, among other things, 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.[2] Since 2011, the Bureau has issued a number of rules adopted under Federal consumer financial law.[3]

Section 1022(d) of the Dodd-Frank Act requires the Bureau to conduct an assessment of each significant rule or order adopted by the Bureau under Federal consumer financial law. The Bureau must publish a report of the assessment not later than five years after the effective date of such rule or order. The assessment must address, among other relevant factors, the rule's effectiveness in meeting the purposes and objectives of title X of the Dodd-Frank Act and the specific goals stated by the Bureau. The assessment must reflect available evidence and any data that the Bureau reasonably may collect. Before publishing a report of its assessment, the Bureau must invite public comment on recommendations for modifying, expanding, or eliminating the significant rule or order.

In January 2013, the Bureau issued the ''Mortgage Servicing Rules Under the Real Estate Settlement Procedures Act (Regulation X)'' (2013 RESPA Servicing Final Rule).[4] The Bureau amended the 2013 RESPA Servicing Final Rule on several occasions before it took effect on January 10, 2014.[5] As discussed further below, the Bureau has determined that the 2013 RESPA Servicing Final Rule and all the amendments related to it that the Bureau made that took effect on January 10, 2014 collectively make up a significant rule for purposes of section 1022(d). The Bureau will conduct an assessment of the 2013 RESPA Servicing Final Rule as so amended, which this document refers to as the ''2013 RESPA Servicing Rule.'' In this document, the Bureau is requesting public comment on the issues identified below regarding the 2013 RESPA Servicing Rule.

II. Assessment Process

Assessments pursuant to section 1022(d) of the Dodd-Frank Act are for informational purposes only and are not part of any formal or informal rulemaking proceedings under the Administrative Procedure Act. The Bureau plans to consider relevant comments and other information received as it conducts the assessment

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

[2] 12 U.S.C. 5512(b)(1).

[3] 12 U.S.C. 5512(d).

[4] 78 FR 10695 (Feb. 14, 2013). In January 2013, the Bureau also issued separate ''Mortgage Servicing Rules Under the Truth in Lending Act (Regulation Z)'' (2013 TILA Servicing Final Rule). 78 FR 10901 (Feb. 14, 2013). As discussed below, the Bureau has determined that the 2013 TILA Servicing Final Rule is not a significant rule (either individually or collectively with any amendments to the 2013 TILA Servicing Final Rule that took effect on January 10, 2014) for purposes of Dodd-Frank Act section 1022(d). Therefore, the Bureau is not seeking comment on the 2013 TILA Servicing Final Rule or its related subsequent amendments in this document.

[5] See *infra* note 9.

and prepares an assessment report. The Bureau does not, however, expect that it will respond in the assessment report to each comment received pursuant to this document. Furthermore, the Bureau does not anticipate that the assessment report will include specific proposals by the Bureau to modify any rules, although the findings made in the assessment will help to inform the Bureau's thinking as to whether to consider commencing a rulemaking proceeding in the future.[6] Upon completion of the assessment, the Bureau plans to issue an assessment report no later than January 10, 2019.

III. The 2013 RESPA Servicing Rule

Congress adopted the Dodd-Frank Act in response to an unprecedented cycle of expansion and contraction in the mortgage market that sparked the most severe U.S. recession since the Great Depression. In the Dodd-Frank Act, Congress enacted a number of new provisions governing the origination and servicing of consumer mortgages. Beginning in 2013, the Bureau issued several final rules to implement these new statutory provisions. Those rules generally took effect in January 2014.

In January 2013, the Bureau issued the 2013 RESPA Servicing Final Rule.[7] The 2013 RESPA Servicing Final Rule contained a number of new borrower protections, which are summarized below. After finalizing the rule, consistent with its obligations under section 1022(c) of the Dodd-Frank Act, the Bureau continued to monitor the mortgage servicing market and consider whether changes to the 2013 RESPA Servicing Final Rule were appropriate.[8] During 2013, the Bureau amended the rule to address important questions raised by industry, consumer advocacy groups, and other stakeholders.[9] As noted above, the effective date of the 2013 RESPA Servicing Rule, including these amendments, was January 10, 2014.[10]

The 2013 RESPA Servicing Rule in part implements section 1463 of the Dodd-Frank Act, which amended RESPA. Section 1463(a) imposed new mortgage servicing requirements and prohibitions under RESPA on servicers of federally related mortgage loans with respect to force-placed insurance, borrower assertions of error, and borrower requests for information.[11] It also provided the Bureau authority to establish obligations on servicers of federally related mortgage loans appropriate to carry out the consumer protection purposes of RESPA. The Bureau also has the authority under RESPA to prescribe such rules and regulations, to make such interpretations, and to grant such reasonable exemptions for classes of transactions as may be necessary to achieve the purposes of RESPA.[12] Accordingly, the 2013 RESPA Servicing Rule included not only provisions that implemented the specific Dodd-Frank Act requirements mentioned above but also provisions regarding servicing policies and procedures, early intervention with delinquent borrowers, continuity of contact with delinquent borrowers, and loss mitigation procedures, as well as certain exemptions, all of which the Bureau found to be appropriate to carry out or necessary to achieve the purposes of RESPA and title X and prevent evasion of those laws.

A. Major Provisions of the Servicing Rule

The 2013 RESPA Servicing Rule addressed six major topics, which are summarized below. Many of these requirements do not apply to small servicers, generally defined as servicers that service 5,000 mortgage loans or fewer and only service mortgage loans the servicer or an affiliate owns or originated.[13] Small servicers are exempt from: Certain requirements relating to obtaining force-placed insurance; the provisions relating to general servicing policies, procedures, and requirements; and certain requirements and restrictions relating to communicating with borrowers about, and evaluation of, loss mitigation applications.

1. Force-placed insurance. The rule prohibits servicers from charging a borrower for force-placed insurance coverage unless the servicer has a reasonable basis to believe the borrower has failed to maintain hazard insurance required by the loan agreement. Where the borrower has an escrow account for the payment of hazard insurance premiums, the servicer is prohibited from obtaining force-placed insurance where the servicer can continue the borrower's homeowner insurance, even if the servicer needs to advance funds to the borrower's escrow account to do so. The rule also requires servicers to send

[6] The Bureau announces its rulemaking plans in semiannual updates of its rulemaking agenda, which are posted as part of the Federal government's Unified Agenda of Regulatory and Deregulatory Actions. *See* Off. of Info. and Reg. Affairs, Off. of Mgmt. and Budget, *Current Regulatory Plan and the Unified Agenda of Regulatory and Deregulatory Actions, http://www.reginfo.gov/public/do/eAgendaMain* (last visited Mar. 22, 2017).

[7] 78 FR 10695 (Feb. 14, 2013). In January 2013, the Bureau also issued the 2013 TILA Servicing Final Rule. 78 FR 10901 (Feb. 14, 2013). The Bureau amended the 2013 TILA Servicing Final Rule on several occasions before it took effect on January 10, 2014. *Infra* note 9. As discussed below, the Bureau has determined that the 2013 TILA Servicing Final Rule is not a significant rule (either individually or collectively with any amendments to the 2013 TILA Servicing Final Rule that took effect on January 10, 2014) for purposes of Dodd-Frank Act section 1022(d). Therefore, the Bureau is not seeking comment on the 2013 TILA Servicing Final Rule or its related subsequent amendments in this document.

[8] Section 1022(c) provides that, to support its rulemaking and other functions, the Bureau shall monitor for risks to consumers in the offering or provision of consumer financial products or services, including developments in the markets for such products or services.

[9] In the summer and fall of 2013 the Bureau finalized the (1) Amendments to the 2013 Mortgage Rules under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z) (July 2013 Mortgage Final Rule) and (2) Amendments to the 2013 Mortgage Rules under the Equal Credit Opportunity Act (Regulation B), Real Estate Settlement Procedures Act (Regulation X), and the Truth in Lending Act (Regulation Z) (September 2013 Mortgage Final Rule). 78 FR 44685 (July 24, 2013); 78 FR 60381 (Oct. 1, 2013). In October 2013, the Bureau clarified compliance requirements in relation to successors in interest, early intervention requirements, bankruptcy law, and the Fair Debt Collection Practices Act (FDCPA), through an Interim Final Rule (IFR) and a contemporaneous compliance bulletin. Amendments to the 2013 Mortgage Rules under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z), 78 FR 62993 (Oct. 23, 2013); Bureau of Consumer Fin. Prot., CFPB Bulletin 2013–12, *Implementation Guidance for Certain Mortgage Servicing Rules* (Oct. 15, 2013), *available at http://files.consumerfinance.gov/f/201310_cfpb_mortgage-servicing_bulletin.pdf.*

[10] After the January 10, 2014 effective date of the rules described above, the Bureau made additional changes to the rule. In October 2014, the Bureau added an alternative definition of small servicer that exempted nonprofit entities that meet certain requirements from certain provisions of the 2013 RESPA Servicing Final Rule, as well as from other requirements. Amendments to the 2013 TILA Servicing Final Rule, 79 FR 65299 (Nov. 3, 2014). The effective date of that rule was November 3, 2014. In August 2016, the Bureau issued numerous additional amendments to provisions of the 2013 RESPA Servicing Final Rule. Amendments to the 2013 Mortgage Rules under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z), 81 FR 72160 (Oct. 19, 2016). The effective dates of these amendments are October 19, 2017 and April 19, 2018, depending on the specific requirements. In this document, the Bureau is not seeking comment on the amendments to the mortgage servicing rules that became or will become effective after the January 10, 2014 effective date of the 2013 RESPA Servicing Rule.

[11] For example, the 2013 RESPA Servicing Rule's force-placed insurance provisions implement sections 6(k)(1)(A), 6(k)(2), 6(l) and 6(m) of RESPA, which were added by section 1463 of the Dodd-Frank Act. The 2013 RESPA Servicing Rule's error resolution and information request provisions implement section 6(k)(1)(B) through (D) of RESPA, which was added by section 1463 of the Dodd-Frank Act. The Dodd-Frank Act also imposed certain new requirements under TILA relating to mortgage servicing, and the Bureau issued rules in TILA's implementing Regulation Z. As noted above and below, the Bureau is not seeking comment on the 2013 TILA Servicing Final Rule or its related subsequent amendments in this document.

[12] 12 U.S.C. 2617(a).

[13] *See* 12 CFR 1024.30(b)(1); 12 CFR 1026.41(e)(4).

two notices before charging the borrower for force-placed insurance coverage and provides other requirements regarding force-placed insurance.

2. Error resolution and information requests. The rule requires servicers to comply with certain error resolution procedures for written notices of error relating to the servicing of a mortgage loan. Servicers generally are required to acknowledge the notice of error within five days and to investigate and respond in writing within 30 days, either correcting the error or notifying the borrower that no error occurred. Similar procedures and timeframes apply to servicer acknowledgment of and response to borrower written requests for information.

3. General servicing policies, procedures, and requirements. The rule requires servicers to establish policies and procedures reasonably designed to achieve objectives specified in the rule.

4. Early intervention with delinquent borrowers. The rule generally requires servicers to establish or make good faith efforts to establish live contact with borrowers by the 36th day of their delinquency (for each billing cycle for which a payment sufficient to cover principal, interest, and, if applicable, escrow is due and unpaid) and to promptly inform such borrowers, where appropriate, that loss mitigation options may be available. In addition, servicers must generally provide borrowers a written notice with information about loss mitigation options by the 45th day of their delinquency.

5. Continuity of contact with delinquent borrowers. The rule requires servicers to maintain reasonable policies and procedures with respect to providing delinquent borrowers with access to personnel to assist them with loss mitigation options where applicable.

6. Loss mitigation procedures. The rule requires servicers to follow specified loss mitigation procedures for a mortgage loan secured by a borrower's principal residence. Servicers generally must provide a written notice acknowledging receipt of a borrower's loss mitigation application within five days and exercise reasonable diligence in obtaining documents and information to complete the application. For a complete loss mitigation application received more than 37 days before a foreclosure sale, the rule requires the servicer to evaluate the borrower, within 30 days, for all loss mitigation options available to the borrower in accordance with the investor's eligibility rules. The rule also prohibits a servicer from making the first notice or filing required by applicable law for any judicial or nonjudicial foreclosure process until a mortgage loan is more than 120 days delinquent and places certain restrictions on ''dual tracking,'' where a servicer is simultaneously processing a consumer's loss mitigation application at the same time that it advances the foreclosure process.

B. Significant Rule Determination

The Bureau has determined that the 2013 RESPA Servicing Rule is a significant rule for purposes of Dodd-Frank Act section 1022(d). The Bureau makes this determination partly on the basis of the estimated aggregate annual cost to industry of complying with the rule.[14] The rule mandated a large number of changes in the features of mortgage servicing, including new disclosures for force-placed insurance, an expanded error resolution regime, and new servicing procedures and requirements that apply to all servicing of delinquent loans, including mandated timelines and procedural rights in loss mitigation. These changes in turn required multiple changes in business operations, including adjustments in technology, training and compliance. The Bureau noted in the preamble to the 2013 RESPA Servicing Final Rule that these changes would require servicers to make changes to systems and procedures and that the new requirements could require servicers to increase staffing time devoted to certain activities and to hire more staff.[15] Taking all of these factors into consideration, the Bureau has concluded that the 2013 RESPA Servicing Rule is ''significant'' for purposes of Dodd-Frank Act section 1022(d).

The 2013 TILA Servicing Final Rule became effective at the same time as the 2013 RESPA Servicing Rule. The Bureau has determined that the 2013 TILA Servicing Final Rule is not a significant rule (either individually or collectively with any amendments to the 2013 TILA Servicing Final Rule that took effect on January 10, 2014) for purposes of Dodd-Frank Act section 1022(d). The rule implemented the periodic statement requirement created by Dodd-Frank Act section 1420, and exempted small servicers from this requirement. The rule also required a new initial adjustable-rate mortgage notice and revised certain existing disclosures and other servicing provisions under the Truth in Lending Act. The estimated cost to servicers of complying with the rule is small, as set forth in the Bureau's analysis of benefits and costs that accompanied the rule.[16] In this respect, the 2013 TILA Servicing Final Rule generally modified important disclosures that consumers were already receiving, meaning that additional ongoing costs and operational changes to distribute the disclosures are small.[17] The rule did require one-time changes to provide additional important information in the disclosures;[18] however, Bureau outreach generally found that vendors would make these changes so the one-time costs would be spread over many entities.[19] The rule's new disclosure requirements were intended to help certain groups of consumers make better decisions and were not expected to affect competition, innovation, or pricing in the mortgage market. These factors lead the Bureau to

[14] In the Paperwork Reduction Act (PRA) Analysis published with the 2013 RESPA Servicing Final Rule, the Bureau estimated an additional 1,100,000 in ongoing burden hours (as well as an additional 29,000 in one-time burden hours) from the 2013 RESPA Servicing Final Rule. 78 FR 10695, 10873 (Feb. 14, 2013). In the Supporting Statement submitted to OMB, the Bureau valued the ongoing burden hours at $19.00 per hour. Thus, there was approximately $20.9 million in additional ongoing PRA burden from the 2013 RESPA Servicing Final Rule. In addition, the Bureau estimated that the 2013 RESPA Servicing Final Rule would increase the cost of servicing distressed loans subject to the new requirements in ways not included in the PRA burden, and estimated that these additional costs would total at least $90 million. *See* U.S. Gov't Accountability Off., GAO–14–67, *Dodd-Frank Regulations: Agencies Conducted Regulatory Analyses and Coordinated but Could Benefit from Additional Guidance on Major Rules*, at 18–19 (Dec. 11, 2013), *available at http://www.gao.gov/products/GAO-14-67.*

[15] *See* 78 FR 10695, 10847–60 (Feb. 14, 2013).

[16] In the PRA Analysis published with the 2013 TILA Servicing Final Rule, the Bureau estimated an additional 56,000 in ongoing burden hours (as well as an additional 5,000 in one-time burden hours) from the 2013 TILA Servicing Final Rule as well as ongoing vendor costs of $5.7 million. 78 FR 10901, 11004 (Feb. 14, 2013). In the Supporting Statement submitted to OMB, the Bureau valued the ongoing burden hours at $19.00 per hour. Thus, there was approximately $6.7 million in additional ongoing PRA burden from the 2013 TILA Servicing Final Rule. The Bureau's section 1022 (b)(2) analysis considered that covered persons might receive less revenue through fees and charges as consumers responded to superior disclosures, but did not identify these costs as substantial. 78 FR 10901, 10989.

[17] Consumers were already receiving the ARM adjustment notice, and the Bureau estimated that the new periodic statement, where required, would for the most part replace billing statements that consumers were already receiving. Regarding the new initial interest rate adjustment disclosure, the Bureau estimated that annual production and distribution costs would be $140,000 (50 cents per disclosure). 78 FR 10901, 10988 (Feb. 14, 2013).

[18] The Bureau noted that the additional information provided by the revised ARM adjustment notice and new periodic statement might require servicers (more specifically, their vendors) to access databases that were not regularly accessed by systems that produced the existing disclosures. 78 FR 10901, 10984–85, 10992 (Feb. 14, 2013).

[19] 78 FR 10901, 10985 (Feb. 14, 2013).

conclude that the 2013 TILA Servicing Final Rule is not ''significant'' for purposes of section 1022(d).

IV. The Assessment Plan

Because the Bureau has determined that the 2013 RESPA Servicing Rule is a significant rule for purposes of Dodd-Frank Act section 1022(d), section 1022(d) requires the Bureau to assess the rule's effectiveness in meeting the purposes and objectives of title X of the Dodd-Frank Act and the specific goals stated by the Bureau. Section 1021 of the Dodd-Frank Act states that the Bureau's purpose is to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive. Section 1021 also sets forth the Bureau's objectives, which are to ensure that, with respect to consumer financial products and services:

- Consumers are provided with timely and understandable information to make responsible decisions about financial transactions;
- Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;
- Outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;
- Federal consumer financial law is enforced consistently, without regard to the status of a person as a depository institution, in order to promote fair competition; and
- Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

In the 2013 RESPA Servicing Rule, the Bureau stated that, considered as a whole, RESPA, as amended by the Dodd-Frank Act, reflects at least two significant consumer protection purposes: (1) To establish requirements that ensure that servicers have a reasonable basis for undertaking actions that may harm borrowers; and (2) to establish servicers' duties to borrowers with respect to the servicing of federally related mortgage loans.[20] The Bureau further stated that, specifically with respect to mortgage servicing, the consumer protection purposes of RESPA include: (1) Responding to borrower requests and complaints in a timely manner; (2) maintaining and providing accurate information; (3) helping borrowers avoid unwarranted or unnecessary costs and fees; and (4) facilitating review for foreclosure avoidance options.[21] The Bureau further stated that each of the provisions adopted in the 2013 RESPA Servicing Rule was intended to achieve some or all of these purposes.[22] The Bureau intends to focus the assessment on how well the rule has met these four purposes, which it believes are corollaries to certain of the Bureau's five objectives set forth in section 1021.

To assess the effectiveness of the 2013 RESPA Servicing Rule, the Bureau plans to analyze a variety of metrics and data to the extent feasible. Feasibility will depend on the availability of data and the cost to obtain any new data. The Bureau will seek to gather information about activities and outcomes including the ones listed below and seek to understand how these activities and outcomes relate to each other:

(1) Servicer activities undertaken to comply with the 2013 RESPA Servicing Rule, such as responding to loss mitigation applications or responding to borrower notices of error, including the timing of these actions;

(2) Consumer activities, including (a) utilization of the rights provided by the 2013 RESPA Servicing Rule, such as assertion of errors, submission of loss mitigation applications, submission of complete applications, and use of appeals; and (b) consumer actions that may be prompted or enabled by the 2013 RESPA Servicing Rule, such as additional payments or other consumer responses after early intervention by the servicer or consumer verification of hazard insurance in response to the 45 day notice sent by the servicer; and

(3) Consumer outcomes that the 2013 RESPA Servicing Rule sought to affect, including, for example, fees and charges assessed and paid, incidence and severity of delinquency, how delinquency is resolved, and time to resolution of delinquency. The Bureau will seek data that can help distinguish negative outcomes that are plausibly avoidable by consumers from those that are not.

The Bureau will seek to understand how these metrics relate to one another. In particular, to the extent possible given available data, the Bureau will seek to understand how the consumer outcomes described in category 3 are affected by the measures of servicer and consumer activities described in categories 1 and 2.

The Bureau intends to place emphasis in the assessment on provisions of the 2013 RESPA Servicing Rule that have particular relevance to delinquent borrowers. These include provisions governing servicers' communication with delinquent borrowers and loss mitigation procedures, as well as provisions providing rights that could be particularly important to consumers facing payment difficulties, including error resolution requirements and requirements applicable to force-placed insurance. In conducting the assessment the Bureau plans to focus its resources, particularly with respect to efforts to collect new data, on these provisions. The Bureau anticipates addressing other provisions of the 2013 RESPA Servicing Rule to the extent that data are already available to the Bureau, provided by commenters in response to this document, or identified by commenters and reasonably available.

In conducting the assessment, the Bureau will seek to compare servicer and consumer activities and outcomes to a baseline that would exist if the 2013 RESPA Servicing Rule's requirements were not in effect. Doing so is challenging because the Bureau cannot observe the activities and outcomes of an unregulated ''control'' group, *i.e.,* of a representative group of servicers that are exempt from the 2013 RESPA Servicing Rule.[23] In some cases the Bureau may have access to data from before the effective date of the 2013 RESPA Servicing Rule that is informative about the outcomes absent the 2013 RESPA Servicing Rule. In other cases there may be institutional factors that indicate what one would expect to observe absent the 2013 RESPA Servicing Rule's requirements, for example, where servicer incentives absent the rule are very clear. Even if one can observe a clear association between activities that the rule requires and consumer outcomes, the Bureau recognizes that some of those activities might also be required by consent orders, State law, or private contracts. In these cases, the impacts one observes may reflect these other requirements in addition to those of the rule. The Bureau will draw conclusions as supported by the data, taking into account that factors

[20] 78 FR 10695, 10709 (Feb. 14, 2013).

[21] *Id.*

[22] *Id.*

[23] Exempt entities can serve as a limited type of control group. While small servicers are exempt from many provisions of the 2013 RESPA Servicing Rule, the Bureau understands that many small servicers follow a business model that differs in important respects from that of larger servicers, which may make small servicers an ineffective control group. The Bureau plans to explore whether small servicers that fall just below the 5,000-loan cutoff might serve as an effective control group to analyze the effectiveness of those provisions of the 2013 RESPA Servicing Rule from which small servicers are exempt.

other than the rule itself may affect observable outcomes.

The Bureau has data sources, currently available or in development, with which to undertake these analyses, and the Bureau is also planning to secure additional data. These data sources include the National Mortgage Database (NMDB) and the American Survey of Mortgage Borrowers (ASMB),[24] data from consumer complaints submitted to the Bureau, servicing data from a private vendor, and applicable information obtained from Bureau supervision and enforcement activities. The Bureau is also exploring the availability and utility of other sources of administrative data for conducting the assessment.

The Bureau intends to seek input from housing counselors, legal aid attorneys, and mortgage servicers as it analyzes the data described above and interprets the findings. The Bureau is also seeking to obtain deidentified loan-level data from a small number of servicers. This would potentially allow the Bureau to correlate mandated servicer activity (*e.g.,* the early intervention requirements of the 2013 RESPA Servicing Rule) with consumer activity (*e.g.,* additional consumer payments or additional loss mitigation applications occurring shortly after early intervention communications). It would also potentially allow the Bureau to correlate consumer and servicer activity with the measures of immediate consumer outcomes discussed earlier (fees and charges, delinquency resolution, time to resolution).

V. Request for Comment

To inform the assessment, the Bureau hereby invites members of the public to submit information and other comments relevant to the issues identified below, as well as any information relevant to assessing the effectiveness of the 2013 RESPA Servicing Rule in meeting the purposes and objectives of title X of the Dodd-Frank Act (section 1021) and the specific goals of the Bureau (enumerated above). In particular, the Bureau invites the public, including consumers and their advocates, housing counselors, mortgage loan servicers and other industry representatives, industry analysts, and other interested persons to submit the following:

(1) Comments on the feasibility and effectiveness of the assessment plan, the objectives of the 2013 RESPA Servicing Rule that the Bureau intends to emphasize in the assessment, and the outcomes, metrics, baselines, and analytical methods for assessing the effectiveness of the rule as described in part IV above;

(2) Data and other factual information that may be useful for executing the Bureau's assessment plan, as described in part IV above;

(3) Recommendations to improve the assessment plan, as well as data, other factual information, and sources of data that would be useful and available to execute any recommended improvements to the assessment plan;

(4) Data and other factual information about the benefits and costs of the rule for consumers, servicers, and others in the mortgage industry; and about the effects of the rule on transparency, efficiency, access, and innovation in the mortgage market;

(5) Data and other factual information about the rule's effectiveness in meeting the purposes and objectives of title X of the Dodd-Frank Act (section 1021), which are listed in part IV above; and

(6) Recommendations for modifying, expanding or eliminating the 2013 RESPA Servicing Rule.

Dated: April 29, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017–09361 Filed 5–10–17; 8:45 am]

BILLING CODE 4810–AM–P

[24] The NMDB and the ASMB are multi-year projects being jointly undertaken by the Federal Housing Finance Agency (FHFA) and the Bureau. *See* Fed. Hous. Fin. Agency, *National Mortgage Database, http://www.fhfa.gov/PolicyPrograms Research/Programs/Pages/National-Mortgage-Database.aspx* (last visited Mar. 22, 2017); Fed. Hous. Fin. Agency, *American Survey of Mortgage Borrowers, http://www.fhfa.gov/PolicyPrograms Research/Programs/Pages/American-Survey-of-Mortgage-Borrowers.aspx* (last visited Mar. 22, 2017); Bureau of Consumer Fin. Prot., *Technical Reports: National Survey of Mortgage Originations and National Mortgage* Database, *http://www.consumerfinance.gov/data-research/research-reports/technical-reports-national-survey-of-mortgage-borrowers-and-national-mortgage-database/(last visited Mar. 22, 2017).*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0419; Directorate Identifier 2015–SW–077–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Airbus Helicopters (Airbus) Model AS332L2 and EC225LP helicopters. This proposed AD would require inspections of the main rotor (M/R) blade attachment pins (attachment pins). This proposed AD is prompted by a report of three cracked attachment pins. The proposed actions are intended to detect and prevent an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 10, 2017.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0419; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

FOR FURTHER INFORMATION CONTACT: David Hatfield, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5116; email *david.hatfield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2015–0016, dated January 30, 2015, to correct an unsafe condition for Airbus Model AS 332 L2 and EC 225 LP helicopters with certain part-numbered attachment pins installed. EASA advises of three cracked attachment pins on a Model AS 332 L2 helicopter. According to EASA, the cracks resulted from a combination of factors including corrosion that had initiated in the inner diameter area of the attachment pin chamfer. EASA states that if this condition is not detected and corrected, it may lead to failure of the attachment pin with loss of control of the helicopter. Due to design similarity, Model EC225LP helicopters are also affected by this issue.

For these reasons, EASA AD No. 2015–0016 requires repetitive inspections of the attachment pins for corrosion.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–05.00.99, Revision 0, dated December 22, 2014 (AS332–05.00.99), for Model AS332L2 helicopters and Airbus Helicopters ASB No. EC225–05A040, Revision 0, dated December 22, 2014 (EC225–05A040), for Model EC225LP helicopters. Airbus Helicopters advises of cracks discovered in attachment pins that resulted from a combination of factors, but mainly corrosion which initiated in the inner diameter at the chamfer. This service information specifies repetitively inspecting for corrosion and cracks and ensuring there are no corrosion pits in the attachment pins. If there is corrosion, this service information allows an attachment pin to be reworked up to four times before removing it from service. If there is a crack, this service information specifies contacting and sending the attachment pin to Airbus Helicopters.

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

Proposed AD Requirements

This proposed AD would require an initial and recurring inspection of each attachment pin for corrosion, a crack, and any pitting. If there is a crack or any pitting, this proposed AD would require replacing the attachment pin. If there is corrosion, this proposed AD would require removing the corrosion up to a maximum of four times. This proposed AD would also require performing these inspections prior to installing an attachment pin.

Differences Between This Proposed AD and the EASA AD

The EASA AD does not require an inspection of the protective coating of each attachment pin for Model EC225LP helicopters. This proposed AD would require inspecting the protective coating of each attachment pin for both model helicopters. The EASA AD requires ensuring there are no corrosion pits without a corresponding corrective action. This proposed AD would require replacing an attachment pin that has any pitting. The EASA AD requires a non-destructive inspection if in doubt about whether there is a crack, while this proposed AD would not. Lastly, the EASA AD requires contacting and returning to Airbus Helicopters any attachment pin with a crack, and this proposed AD would not.

Costs of Compliance

We estimate that this proposed AD would affect 5 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

For Model AS332L2 helicopters, there would be no costs of compliance with this proposed AD because there are no helicopters with this type certificate on the U.S. Registry.

For Model EC225LP helicopters, which have ten attachment pins installed, inspecting the attachment pins would take about 1 work-hour for a total cost of $85 per helicopter and $425 for the U.S. fleet. Removing corrosion would take about 1 work-hour for a total cost of $85 per attachment pin. Replacing an attachment pin would take negligible additional labor time and required parts would cost about $5,720.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2017–0419; Directorate Identifier 2015–SW–077–AD.

(a) Applicability

This AD applies to the following helicopters, certificated in any category:

(1) Model AS332L2 helicopters with a main rotor (M/R) blade attachment pin (attachment pin) part number (P/N) 332A31–2123–00 or P/N 332A31–2115–20 installed; and

(2) Model EC225LP helicopters with an attachment pin P/N 332A31–3204–20 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as corrosion or a crack in an attachment pin. This condition could result in loss of an M/R blade and subsequent loss of control of the helicopter.

(c) Comments Due Date

We must receive comments by July 10, 2017.

(d) Compliance

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

(e) Required Actions

(1) For Model AS332L2 helicopters, within 410 hours time-in-service (TIS), and for Model EC225LP helicopters within 660 hours TIS, remove each attachment pin and inspect the protective coating on the inside of the attachment pin for scratches and missing protective coating.

(i) If there is a scratch or any missing protective coating, sand the attachment pin to remove the varnish in the area depicted as ''Area A'' in Figure 1 of Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–05.00.99, Revision 0, dated December 22, 2014 (AS332–05.00.99), or Airbus Helicopters ASB No. EC225–05A040, Revision 0, dated December 22, 2014 (EC225–05A040), as applicable to your model helicopter.

(ii) Using a 10X or higher power magnifying glass, inspect for corrosion and pitting at the chamfer. An example of pitting is shown in the Accomplishment Instructions, paragraph 3.B.3., Note 1, of AS332–05.00.99, and paragraph 3.B.2., Note 1, of EC225–05A040. If there is any corrosion, remove the corrosion. If there is any pitting, replace the attachment pin. Do not sand the attachment pin to remove a corrosion pit.

(iii) Using a 10X or higher power magnifying glass, inspect the inside and outside of the attachment pin for a crack in the areas depicted as ''Area A'' and ''Area B'' in Figure 1 of AS332–05.00.99 or EC225–05A040, as applicable to your model helicopter. Pay particular attention to the chamfer in ''Area A.'' If there is a crack, remove the attachment pin from service.

(2) Thereafter, for Model AS332L2 helicopters, at intervals not to exceed 825 hours TIS or 26 months, whichever occurs first; and for Model EC225LP helicopters, at intervals not to exceed 1,320 hours TIS or 26 months, whichever occurs first; perform the actions specified in paragraph (e)(1) of this AD. Corrosion may be removed from an attachment pin as specified in paragraph (e)(1)(ii) of this AD a maximum of four times. If there is a fifth occurrence of corrosion on an attachment pin, before further flight, remove the attachment pin from service.

(3) Do not install an attachment pin P/N 332A31–2123–00, P/N 332A31–2115–20, or P/N 332A31–3204–20 on any helicopter unless you have complied with the actions in paragraph (e)(1) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5116; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

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

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2015–0016, dated January 30, 2015. You may view the EASA AD on the Internet at *http://www.regulations.gov* in the AD Docket.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6200, Main Rotor System.

Issued in Fort Worth, Texas, on April 27, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–09378 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0331]

RIN 1625–AA00

Safety Zone; Thunder on the Outer Harbor; Buffalo Outer Harbor, Buffalo, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of the Buffalo Outer Harbor during the Thunder on the Outer Harbor boat races. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Buffalo or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 16, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0331 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email *SectorBuffaloMarineSafety@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
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

United States Coast Guard Sector Buffalo was notified by Niagara Frontier Antique and Classic Boats along with BR Guest Inc. that there would be a boat race held on July 22 and 23, 2017 from 10:00 a.m. to 4:00 p.m. on the Buffalo Outer Harbor. Hazards from the boat race include high speed vessels. The Captain of the Port Buffalo (COTP) has determined that potential hazards associated with the Thunder on the Outer Harbor boat race would be a safety concern for anyone within the designated course encompassed by all waters of the Outer Harbor, Buffalo, NY starting at position 42°52′21″ N. and 078°53′14″ W. then West to 42°52′15″ N. and 078°53′32″ W. then South to 42°51′41″ N. and 078°53′02″ W. then East to 42°51′46″ N. and 078°52′45″ W. (NAD 83) then returning to the point of origin.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the above stated points before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a temporary safety zone, enforced intermittently, from 9:45 a.m. to 4:15 p.m. on July 22 and 23, 2017. The safety zone will encompass all waters of the Outer Harbor, Buffalo, NY starting at position 42°52′21″ N. and 078°53′14″ W. then West to 42°52′15″ N. and 078°53′32″ W. then South to 42°51′41″ N. and 078°53′02″ W. then East to 42°51′46″ N. and 078°52′45″ W. (NAD 83) then returning to the point of origin. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10:00 a.m. to 4:00 p.m. boat races. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs''), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

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

As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone, which would impact a small designated area of the Buffalo Outer Harbor, by transiting a short distance in Lake Erie. The safety zone would also have built in times where vessels will be able to transit though between race heats. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves an intermittently enforced safety zone lasting 6.5 hours per day that would prohibit entry into the boundaries created by points starting at position 42°52′21″ N. and 078°53′14″ W. then West to 42°52′15″ N. and 078°53′32″ W. then South to 42°51′41″ N. and 078°53′02″ W. then East to 42°51′46″ N. and 078°52′45″ W. (NAD 83) then returning to the point of origin. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0331 to read as follows:

§ 165.T09–0331 Safety Zone; Thunder on the Outer Harbor; Buffalo Outer Harbor, Buffalo, NY.

(a) *Location.* The safety zone will encompass all waters of the Outer Harbor, Buffalo, NY starting at position 42°52′21″ N. and 078°53′14″ W. then West to 42°52′15″ N. and 078°53′32″ W. then South to 42°51′41″ N. and 078°53′02″ W. then East to 42°51′46″ N. and 078°52′45″ W. (NAD 83) then returning to the point of origin.

(b) *Enforcement Period.* This rule is effective from 9:45 a.m. until 4:15 p.m. on July 22, 2017, and from 9:45 a.m. until 4:15 p.m. on July 23, 2017.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: May 2, 2017.

J.S. DuFresne,

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

[FR Doc. 2017–09563 Filed 5–10–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0802; FRL–9962–07–Region 5]

Air Plan Approval; Ohio; Volatile Organic Compound Control Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve, under the Clean Air Act (CAA), a November 18, 2015, State Implementation Plan (SIP) submittal from the Ohio Environmental Protection Agency consisting of adjustments and additions to volatile organic compound (VOC) rules in the Ohio Administrative Code (OAC). The changes to these rules are based on an Ohio-initiated five-year periodic review of its VOC rules and a new rule to update the VOC reasonably available control technology (RACT) requirements for the miscellaneous metal and plastic parts coatings source category for the Cleveland-Akron-Lorain area (''Cleveland area'') consisting of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties. Additionally, EPA proposes to approve into the Ohio SIP an oxides of nitrogen (NO_X) emission limit for Arcelor-Mittal Cleveland that Ohio is using as an offset in its CAA section 110(l) anti-backsliding demonstration for architectural aluminum coatings.

DATES: Comments must be received on or before June 12, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0802 at *http://www.regulations.gov* or via email to *aburano.douglas@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*e.g.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

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

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

I. What is the purpose of this action?
II. What is EPA's analysis of Ohio's submitted VOC rules?
A. Catalytic Incinerator Requirements
B. References to Operating Permits
C. VOC Recordkeeping Requirements
D. Solvent Cleaning Operations
E. OAC Rule 3745–21–24 Flat Wood Paneling Coatings
F. OAC Rule 3745–21–26 Surface Coating of Miscellaneous Metal and Plastic Parts
G. OAC Rule 3745–21–28 Miscellaneous Industrial Adhesives and Sealants
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. What is the purpose of this action?

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

Except for OAC rule 3745–21–26, the changes to the Chapter 3745–21 rules are based on an Ohio-initiated five-year periodic review of its VOC rules. When Ohio reviews a rule and amends greater than fifty percent of that rule, Ohio issues the entire rule as a new replacement rule. This is the case with OAC 3745–21–24. OAC rule 3745–21–26 is an entirely new rule, the purpose of which is to update the VOC RACT requirements for the Cleveland area for the miscellaneous metal and plastic parts coatings source category. Additionally, EPA proposes to approve OAC 3745–110–03(N) into the Ohio SIP; this rule includes an emission limit that Ohio is using as an offset in its CAA 110(l) demonstration for architectural coatings, which is discussed in detail later in this proposed rulemaking.

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

Many of Ohio's amendments to the rules in Chapter 3745–21 are not significant. These amendments include: Updates to items incorporated by reference; minor typographical changes to conform to new state preferences on style and formatting; updates to correct typographical and format errors; updates to reflect source name and/or address changes; the removal of references to sources which have been permanently shut down; updates to replace deadlines associated with previous rule effective dates with actual dates (*e.g.* ''sixty days from the effective date of this rule'' replaced with an actual date); and language updates to provide clarification and to avoid confusion. EPA reviewed these and other non-significant and/or non-substantive amendments and proposes to approve them since they do not constitute significant and/or substantive changes to Ohio's rules. More significant amendments, those amendments requiring more explanation, and the addition of OAC rule 3745–21–26 are discussed below.

A. Catalytic Incinerator Requirements

Ohio amended catalytic incinerator requirements where rules require monitoring, recordkeeping, and reporting of both the catalytic incinerator inlet temperature and the temperature difference across the catalyst bed. Ohio updated these requirements for catalytic incinerators to include catalytic incinerator inspection and maintenance requirements in addition to monitoring the temperature at the inlet to the catalyst bed as an alternative to monitoring the temperature difference across the catalyst bed. Monitoring of the temperature difference across the catalyst bed may not necessarily be a useful indicator of destruction efficiency when there is a low concentration of VOC at the inlet to the catalyst bed. In these cases, Ohio recommends implementing a catalytic incinerator inspection and maintenance program as a compliance alternative to using catalyst bed temperature difference data. Ohio made catalytic incinerator requirement amendments to rules 3745–21–09, 3745–21–10, 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, 3745–21–23, 3745–21–27, 3745–21–28. Ohio has similar provisions that are already included in OAC rules 3745–21–22 and 3745–21–24.

EPA has implemented a similar alternative for a site-specific inspection

and maintenance plan to be implemented as an alternative to monitoring the temperature difference across the catalyst bed under the following rules: 40 CFR part 63, subpart JJJJ (Paper and Other Web Coating) at 63.3360(e)(3)(ii)(C); 40 CFR part 63, subpart OOOO (Printing, Coating, and Dyeing of Fabrics and Other Textiles) at 63.4363(b)(3); 40 CFR part 63, subpart SSSS (Surface Coating of Metal Coil) at 63.5160(d)(3)(ii)(C); and 40 CFR part 63, subpart PPPPP (Engine Test Cells/Stands) at 63.9324(b)(3). Therefore, EPA proposes to approve these catalytic incinerator requirement amendments to Ohio's rules 3745–21–09, 3745–21–10, 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, 3745–21–23, 3745–21–27, 3745–21–28.

B. References to Operating Permits

Ohio replaced references to ''operating permits'' and ''permits-to-operate'' with ''permits-to-install and operate'' for Chapter 3745–3l sources (non-Title V sources), since ''operating permits'' under Chapter 3745–35 have been replaced with ''permits-to-install and operate'' under Chapter 3745–31 for non-Title V sources. Ohio made this amendment for the following rules 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, 3745–21–19, 3745–21–20, 3745–21–21, 3745–21–22, 3745–21–23, 3745–21–24, 3745–21–25, 3745–21–27, 3745–21–28, and 3745–21–29. EPA proposes to approve this amendment in each instance since it results in increased clarity and consistency in the Ohio rules.

C. VOC Recordkeeping Requirements

Ohio amended VOC recordkeeping language as it relates to source applicability. Ohio changed the requirement to maintain records of VOC content in percent by weight and pounds per gallon to percent by weight or pounds per gallon depending upon whether total pounds or total gallons of each adhesive or solvent is recorded. Ohio no longer requires records in both units of measurement as long as the units of measurement chosen to be recorded match and can be used to establish whether monthly or daily applicability cutoffs are exceeded. Ohio made these VOC recordkeeping amendments for rules 3745–21–23 and 3745–21–28. Similarly, for rule 3745–21–29, Ohio added the option to record VOC content in pounds per gallon (or percent by weight) and the option to record coating and cleaning solvent usage in pounds (or gallons) as long as the units of measurement for these two parameters match and can be used to establish whether monthly or daily applicability cutoffs are exceeded. EPA proposes to approve these amendments to rules 3745–21–23, 3745–21–28, and 3745–21–29, since compliance can be determined with either VOC content record as long as the units of measurement are consistent with the associated coating and/or solvent usage records.

D. Solvent Cleaning Operations

Ohio amended rule 3745–21–23 paragraph (C)(6)(b) to allow resin manufacturers to use the alternative cleaning operations compliance option. Prior to this revision, the rule only allowed manufacturers of coatings, inks, or adhesives to use the alternative cleaning operations compliance option. The alternative solvent cleaning and storage option in (C)(6)(b) is based on the California Bay Area Air Quality Management District's rules which are referenced in EPA's solvent cleaning CTG and have been established by EPA as RACT for cleaning coatings, inks, and resins from storage tanks and grinding mills. EPA, therefore, proposes to approve this amendment.

E. OAC Rule 3745–21–24 Flat Wood Paneling Coatings

When Ohio reviews a rule and amends greater than fifty percent of that rule, Ohio issues the entire rule as a new replacement rule. This is the case with OAC 3745–21–24. EPA proposes to approve the revisions to OAC rule 3745–21–24, since they provide increased clarity and consistency.

F. OAC Rule 3745–21–26 Surface Coating of Miscellaneous Metal and Plastic Parts

OAC rule 3745–21–26 is a new rule updating the VOC RACT requirements for the Cleveland area for the miscellaneous metal and plastic parts coatings source category as outlined in EPA's September 2008, ''Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings.'' [1] Pursuant to CAA section 182(b)(2), the Cleveland area was subject to VOC RACT requirements since it was classified as moderate nonattainment under the 1997 ozone National Ambient Air Quality Standard (NAAQS). Section 182(b)(2) requires states with moderate nonattainment areas to implement RACT under section 172(c)(1) with respect to each of the following: (1) All sources covered by a Control Technology Guideline (CTG) document issued between November 15, 1990, and the date of attainment; (2) all sources covered by a CTG issued prior to November 15, 1990; and, (3) all other major non-CTG stationary sources. EPA's 2008 CTG is a revised CTG that is a strengthening of previous CTGs covering these categories that were addressed by rules adopted and updated by Ohio during previous rulemakings (61 FR 18255; 74 FR 37171) prior to the Cleveland area being redesignated to attainment of the 1997 ozone NAAQS in September 2009 (74 FR 47414).

Prior to Ohio's adoption of OAC rule 3745–21–26, OAC rule 3745–21–09(U) regulated the surface coating of miscellaneous metal parts and OAC rule 3745–21–09(HH) regulated the surface coating of automotive/transportation plastic parts and business machine plastic parts. OAC rule 3745–21–26 applies to such sources located in the Cleveland area. The requirements of paragraphs (U) and (HH) of OAC rule 3745–21–09 will no longer apply to these sources after the compliance date for facilities subject to the requirements of OAC rule 3745–21–26. Prior to this action, EPA has not approved into the Ohio SIP 3745–21–09(U)(1)(h) pertaining to VOC content limits for architectural coatings. In this rulemaking, however, EPA proposes to approve 3745–21–09(U)(1)(h) into the Ohio SIP, since Ohio's anti-backsliding demonstration for architectural coatings shows, as discussed below, that our approval of this rule in conjunction with our approval of 3745–110–03(N) into the Ohio SIP will not interfere with CAA section 110(l).

i. Ohio's CAA Section 110(l) Demonstration Regarding Architectural Aluminum Coatings

Ohio established a 6.2 pounds per gallon (lbs/gal) VOC content limit for high-performance architectural aluminum coatings effective May 9, 1986, at OAC rule 3745–21–09(U)(1)(h). Prior to this, high-performance architectural aluminum coatings in Ohio were subject to a VOC content limit of 3.5 lbs/gal under a general SIP-approved coating category of extreme performance coatings. EPA disapproved Ohio's 1986 rule, since Ohio did not demonstrate that the relaxation from 3.5 lbs/gal to 6.2 lbs/gal represented RACT and would not interfere with attainment of the 1997 ozone NAAQS (75 FR 50711). Since EPA's CTG, updated in 2008, recommends a VOC content limit of 6.2 lbs/gal for high performance architectural coatings and Ohio has adopted OAC rule 3745–21–26 to

[1] Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings. U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Research Triangle Park, North Carolina. EPA–453/R–08–003. September 2008.

supersede OAC rule 3745–21–09(U) for sources in the Cleveland area, Ohio, as part of this submittal, requested that EPA approve into the Ohio SIP OAC rule 3745–21–26 including the relaxation of the high-performance architectural aluminum coatings VOC content limit.

Ohio also requested that EPA approve a NO_X emission limit contained in paragraph (N) of OAC rule 3745–110–03 for unit P046 at Arcelor-Mittal Cleveland. EPA's approval of the emission limit for unit P046 into the Ohio SIP will make this emission limit federally enforceable and available to use as an emission offset for the purposes of Ohio's demonstration to show that the relaxation of the high-performance architectural coatings VOC content limit from 3.5 lbs/gal to 6.2 lbs/gal will not result in a net increase in ozone precursor emissions in the Cleveland area.

Section 110(l), known as the anti-backsliding provision of the CAA, states:

> The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act.

Ohio performed a CAA section 110(l) demonstration for the VOC content limits in paragraph (C)(1) Tables 1 and 6 of OAC rule 3745–21–26 for high performance architectural coatings.

In the absence of an attainment demonstration, to demonstrate no interference with any applicable NAAQS or requirement of the CAA under section 110(l), states may substitute equivalent emissions reductions to compensate for any change to a SIP-approved program, as long as actual emissions are not increased. ''Equivalent'' emissions reductions mean reductions which are equal to or greater than those reductions achieved by the control measure approved in the SIP. To show that compensating emissions reductions are equivalent, modeling or adequate justification must be provided. The compensating, equivalent reductions must represent actual, new emissions reductions achieved in a contemporaneous time frame to the change of the existing SIP control measure, in order to preserve the status quo level of emissions in the air. As described in EPA's memorandum ''Improving Air Quality with Economic Incentive Programs'' published in January 2001 (EPA–452/R–01–001), the equivalent emissions reductions must also be permanent, enforceable, quantifiable, and surplus to be approved into the SIP.

Ohio completed a demonstration that indicates that the prerequisite for approval under section 110(l) of the CAA will be satisfied despite the VOC content limit relaxation for high-performance architectural coatings. Ohio's methodology involved identifying actual emissions from all operating permitted architectural aluminum coating processes in the state, of which there are five emission units among three permitted facilities. This includes one emission unit at the American Warming and Ventilation facility, one unit at the Thermo Fisher Scientific facility, and three units at the American Japanning facility, which is the only facility of the three operating permitted facilities that is located in the Cleveland area.

For the five emission units with architectural aluminum coating processes, Ohio converted the unit-specific facility-reported actual VOC emissions in tons per year (TPY) to gallons per year assuming an average solvent density of 7.36 lbs VOC/gal VOC. Then, using the full VOC content limit of 6.2 lbs/gal under OAC rule 3745–21–09(U)(1)(h) as listed in each facility's permit, Ohio estimated actual gallons of coating utilized per year at each unit at each facility for the 2010–2012 time period. Next, Ohio used the gallons of coating per year to estimate the 2010–2012 emissions from each unit using a VOC content limit of 3.5 lbs/gal rather than 6.2 lbs/gal. Ohio's calculations show that, in going from 3.5 lbs/gal to 6.2 lbs/gal, the estimated VOC emissions increase averaged over the 2010–2012 time period is 2.02 TPY in the Cleveland area and 10.5 TPY statewide. Ohio's calculations are provided in its SIP submittal, which is included in the docket to this proposed rulemaking.

In order to make a satisfactory 110(l) demonstration and render this SIP revision approvable by EPA under the requirements of the CAA, Ohio needs a comparable emission reduction to offset this estimated VOC emissions increase. VOCs and NO_X contribute to the formation of ground-level ozone. Thus, the potential increase in VOC needs to be offset with equivalent (or greater) emissions reductions from another VOC control measure or proportionally equivalent (or greater) emissions reductions from a NO_X control measure in order to demonstrate anti-backsliding.

For its offset, Ohio requested to use a NO_X emission limit contained in paragraph (N) of OAC rule 3745–110–03 for unit P046 at Arcelor-Mittal Cleveland. Since only a portion of this emission limit has been used for a previous 110(l) demonstration, the remaining portion is available for use as an offset for the purposes of this demonstration. In December 2007, Ohio promulgated OAC Chapter 3745–110, ''Nitrogen Oxides—Reasonably Available Control Technology'' to address NO_X emissions from stationary combustion sources as a potential attainment strategy in the Cleveland area. In September 2009 (74 FR 47414), EPA redesignated the Cleveland area to attainment of the 1997 ozone NAAQS and approved a waiver for the Cleveland area from the NO_X RACT requirements of section 182(f). Ohio's NO_X RACT rules are therefore surplus and are available to be used to offset the potential increase in emissions from a higher VOC content limit for high performance architectural aluminum coatings in Ohio. For the purposes of this 110(l) demonstration, Ohio is requesting to use an emission limit on one specific emission unit at one specific facility for its offset.

Prior to Ohio's promulgation of OAC Chapter 3745–110, Arcelor-Mittal Cleveland operated with an emission factor of 0.55 lbs NO_X/million British thermal units (MMBTU) established via a stack test in 2003. To meet the requirements of OAC Chapter 3745–110, Arcelor-Mittal installed low-NO_X burners in the facility's three reheat furnaces (Ohio emission unit IDs P046, P047, and P048) and reduced its emission factor to 0.29 lbs NO_X/MMBTU established via a stack test in 2010 to comply with the OAC 3745–110–03(N) NO_X emission limit of 0.35 lbs/MMBTU. Based on actual natural gas usage reported for 2010–2012 and going from an emission factor of 0.55 lbs NO_X/MMBTU to an emission factor of 0.29 lbs NO_X/MMBTU, Ohio calculated an average NO_X emission reduction for this facility of 571.6 TPY and an average NO_X emission reduction specifically from unit P046 of 193.8 TPY.

Using the 2011 National Emissions Inventory (NEI), Ohio calculated the ratio of NO_X emissions to VOC emissions in the Cleveland area at approximately 1.30 lbs NO_X per lb of VOC. Ohio applied this factor to the Arcelor-Mittal Cleveland NO_X reductions to show that the average VOC emissions offset theoretically available for the time period of 2010–2012 is 438.2 TPY of VOC for the facility and 148.6 TPY of VOC from unit P046.

Not all emission reductions from Arcelor-Mittal Cleveland are available for use as offsets. On October 25, 2010, Ohio submitted a similar 110(l)

demonstration for emissions from sheet molding compound (SMC) machines in Ohio regulated by OAC rule 3745–21–07. Ohio used the same reductions from Arcelor-Mittal Cleveland to demonstrate sufficient offsets to justify an emissions increase for SMC machines. The offset needed for SMC machines was 7.1 TPY of VOC, meaning the quantity of VOC offsets available for this 110(l) demonstration is 431.1 TPY of VOC from Arcelor-Mittal Cleveland and 141.5 TPY of VOC from EU P046. Therefore, there is enough of an emission offset remaining from EU P046 for Ohio to offset the estimated increase in VOC emissions (10.5 TPY for all five units and 2.02 TPY for the three Cleveland area units) as a result of relaxing its high-performance architectural coatings VOC content limit from 3.5 lbs/gal to 6.2 lbs/gal in the Ohio SIP.

EPA proposes to approve into the Ohio SIP the NO_X limit on emission unit P046 at Arcelor-Mittal Cleveland, which will make this emissions limit federally enforceable. In combination with Ohio's use of an offset in the form of a permanent, enforceable, contemporaneous, surplus emission reduction achieved through the NO_X limit on unit P046 at Arcelor-Mittal Cleveland, EPA proposes that our SIP approval of Ohio's relaxation of the high-performance architectural coatings VOC content limit from 3.5 lbs/gal to 6.2 lbs/gal would not interfere with section 110(l) of the CAA. Furthermore, this VOC content limit satisfies RACT for high-performance architectural coatings as recommended in EPA's 2008 CTG. Therefore, EPA proposes to approve into the Ohio SIP, OAC rule 3745–21–26 including the VOC content limits in paragraph (C)(1) Tables 1 and 6 for high performance architectural coatings.

ii. Ohio's 5% VOC RACT Equivalency Analysis for a 3-Gallon per Day Coating Usage Exemption

Ohio performed a 5% RACT equivalency analysis to justify the OAC rule 3745–21–26 paragraph (A)(3)(f)(i) exemption from the VOC content limits of metal coating lines that use less than three gallons per day. Ohio demonstrated that the increase in emissions from this exemption would be no more than 5% compared to adopting the CTG exactly as EPA issued it. EPA guidance entitled ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'' also referred to as ''the Bluebook'' [2] contains an example 5% equivalency analysis calculation.

Ohio performed its 5% RACT equivalency analysis consistent with EPA's Bluebook and determined that the increase in emissions resulting from a three gallons per day exemption would be approximately 4%. Since the emissions increase is less than 5%, Ohio may incorporate this exemption into its VOC RACT rule for the control of emissions from surface coating of miscellaneous metal parts and products for the Cleveland area.

To conduct its 5% RACT equivalency analysis, Ohio listed all of the current metal parts and products surface coating sources in the Cleveland area and each source's actual 2008 VOC emissions or, where 2008 actual emissions data were unavailable, used information based on current operation to determine representative 2008 actual emissions from metal coating lines. Ohio identified each emission unit at each facility that would be subject to the new OAC rule 3745–21–26 and converted TPY of VOC to gallons per year of VOC using an average solvent density of 7.36 lbs VOC/gal VOC. Ohio used source-specific information to obtain gallons of coating used in 2008 or, where such data were unavailable, used an average mix density of 10.0 lbs VOC/gal coating. Ohio also subtracted gallons of VOC per year from total gallons of coating used per year to obtain gallons of solids per year, since some limits in the 2008 CTG are expressed in lbs of VOC per gallon of coating and some are expressed in lbs of VOC per gallon of solids. Ohio used these 2008 baseline data to find the difference in the two options: The option to include a three gallons per line per day exemption and the option that specifies an applicability cutoff of 15 lbs of VOC per day across all lines as specified in EPA's 2008 CTG. Ohio's analysis shows that the difference between allowing and disallowing the three gallons per day exemption is less than 5%. Ohio's analysis is provided in its SIP submittal, which is included in the docket to this proposed rulemaking. Since the result of Ohio's RACT equivalency analysis to support the exemption in its rule is less than 5%, and since Ohio's general methodology for conducting the equivalency analysis is consistent with EPA's Bluebook, which indicates that for the purposes of VOC RACT regulation a difference of no more than 5% between EPA's CTG and the state's rules is not a significant emissions differential, EPA proposes to approve into the Ohio SIP the OAC rule 3745–21–26 exemption from the VOC content limits of metal coating lines that use less than three gallons per day.

iii. EPA's Evaluation of Ohio's VOC RACT Requirements for Pleasure Craft Coatings

EPA's 2008 CTG includes VOC content limits for pleasure craft coatings, which Ohio has not historically regulated. Ohio systematically analyzed existing permitted facilities which may become subject to its new pleasure craft coating rules. Ohio's analysis is important, because, theoretically, a facility could go from being subject to an existing VOC content limit under a different coating category to being subject to a less stringent VOC content limit under Ohio's new pleasure craft coating rules. If that were the case, the potential for interference with CAA section 110(l) would need to be addressed. Ohio's analysis indicates that there are 12 sources in the state with the potential to be subject to the new OAC rule 3745–21–26. Ohio determined six of these sources are not subject to OAC rule 3745–21–26, because they are not located in the Cleveland area, and four of the remaining sources are not subject to OAC rule 3745–21–26, since they are marinas that only contain gasoline dispensing facilities. The remaining two sources are the Duramax Marine facility in Geauga County and the Hanover Marine facility in Lake County. The Duramax facility operates spray booths that only apply adhesives and are therefore exempt from OAC rule 3745–21–26. Rather, this facility may be subject to the OAC rule 3745–21–28; ''Miscellaneous Industrial Adhesives'' requirements. The Hanover facility builds fiberglass boats. It operates one small spray booth for painting stripes only and historically has had emissions under the applicability levels. Mostly this facility performs resin/gel work and may be subject to New Source Review requirements and the requirements of OAC rule 3745–21–27; ''Fiberglass Boat Manufacturing.'' Ohio's analysis shows that our approval into the Ohio SIP of these pleasure craft coating VOC content limits will have no or minimal effect to reduce emissions, but, of course, the adoption of these limits will not cause any increase in emissions and, therefore, not interfere with section 110(l) of the CAA.

Table 1, below, shows a comparison of the differences between EPA's 2008 CTG and Ohio's OAC rule 3745–21–26 VOC content limits for pleasure craft coatings. The portion of Ohio's OAC rule 3745–21–26 pertaining to pleasure craft coatings differs from EPA's 2008

[2] Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations Clarification to Appendix D of November 24, 1987 **Federal Register**. Ozone/Carbon Monoxide Program Branch, Air Quality Management Division, Office of Air Quality Planning and Standards. May 25, 1988.

CTG in several ways. Ohio's VOC content limits for the ''extreme high gloss topcoat'' and ''other substrate antifoulant'' coating categories are greater than those recommended in EPA's 2008 CTG, and Ohio's rule contains a ''antifouling sealer/tie coat'' coating category that is not included in EPA's 2008 CTG. Additionally, Ohio's OAC rule 3745–21–26 defines extreme high gloss coating for the pleasure craft coating industry as that which achieves greater than 90% reflectance, as opposed to greater than 95% reflectance recommended in EPA's 2008 CTG.

TABLE 1—DIFFERENCES BETWEEN EPA'S 2008 CTG AND OHIO'S OAC RULE 3745–21–26 VOC CONTENT LIMITS FOR PLEASURE CRAFT COATINGS

Coating category	Pound VOC per gallon coating	
	2008 CTG	Ohio's rule
Extreme High Gloss Topcoat	4.1	5.0
High Gloss Topcoat	3.5	
Pretreatment Wash Primer	6.5	
Finish Primer/Surfacer	3.5	
High-Build Primer/Surfacer	2.8	
Antifouling Sealer/Tie Coat	Not a category in the 2008 CTG	3.5
Aluminum Substrate Antifoulant	4.7	
Other Substrate Antifoulant	2.8	3.3
All Other Pleasure Craft Surface Coatings for Metal or Plastic	3.5	

The differences shown in Table 1, above, between EPA's original recommendations in the 2008 CTG and Ohio's VOC content limits for pleasure craft coatings in OAC rule 3745–21–26 are consistent with those requested by the pleasure craft coating industry. When EPA released the 2008 CTG, the pleasure craft coating industry requested that EPA reconsider the 2008 CTG recommended VOC content limits for extreme high gloss, high gloss, and antifoulant coatings citing what the industry deemed to be technological and feasibility challenges to meeting the VOC content limits recommended in the CTG. EPA responded in a June 1, 2010, memorandum entitled ''Control Technique Guidelines for Miscellaneous Metal and Plastic Part Coatings—Industry Request for Reconsideration.'' While EPA did not formally revise the 2008 CTG to reflect the changes requested by the pleasure craft coating industry, in the June 1, 2010, memo, EPA encouraged the pleasure craft industry to work together with state agencies in the RACT rule development process to assess what is reasonable for the specific sources regulated under each state's rules. EPA's CTGs are intended to provide state and local air pollution control authorities with information to assist them in determining RACT for VOC, but CTGs impose no legally binding requirements on any entity, including pleasure craft coating facilities. Regardless of whether a state chooses to implement the recommendations contained in the CTG through state rules, or to issue state rules that adopt different approaches, states must submit their RACT rules to EPA for review and approval as part of the SIP process. In the June 1, 2010, memo, EPA stated its intent to evaluate the state's RACT rules and determine, through notice and comment rulemaking in the SIP approval process, whether the submitted rules meet the RACT requirements of the CAA and EPA's regulations.

EPA proposes to approve into the Ohio SIP these OAC rule 3745–21–26 VOC content limits for pleasure craft coatings as RACT since this rule, in most respects, is consistent with EPA's 2008 CTG, and, where it differs from EPA's 2008 CTG as explained above, EPA proposes to find these differences to be reasonable in terms of available control technology for the pleasure craft coating industry.

G. OAC Rule 3745–21–28 Miscellaneous Industrial Adhesives and Sealants

Ohio made two amendments to Table 1 of OAC rule 3745–21–28; the first amendment was to indicate that the VOC content limit excludes water and exempt solvents, and the second amendment was to change the category ''tire retread'' to ''tire repair.'' EPA proposes to approve these amendments, since these changes result in language that is consistent with EPA's CTG for miscellaneous industrial adhesives, which is the basis for OAC rule 3745–21–28.

III. What action is EPA taking?

EPA proposes to approve into the Ohio SIP adjustments and additions to VOC RACT rules in OAC Chapter 3745–21. Additionally, EPA proposes to incorporate OAC 3745–110–03(N) into the Ohio SIP; this rule includes an emission limit that Ohio is using as an offset in its CAA 110(l) demonstration for the OAC rule 3745–21–26 VOC content limit for architectural coatings.

IV. Incorporation by Reference

In this rule, EPA proposes to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA proposes to incorporate by reference Ohio's updated VOC rules including 3745–21–01, 3745–21–03, 3745–21–04, 3745–21–08, 3745–21–09, 3745–21–10, 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, 3745–21–17, 3745–21–18, 3745–21–19, 3745–21–20, 3745–21–21, 3745–21–22, 3745–21–23, 3745–21–24, 3745–21–25, 3745–21–26, 3745–21–27, 3745–21–28, 3745–21–29, effective October 15, 2015, and the NO_X emission limit on unit P046 at Arcelor-Mittal Cleveland contained in paragraph (N) of OAC rule 3745–110–03. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and/or at the EPA Region 5 Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: April 21, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–09506 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0585; FRL–9960–21–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs and Compliance Flexibility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the Texas State Implementation Plan (SIP) Emissions Banking and Trading Programs submitted on July 15, 2002; December 22, 2008; April 6, 2010; May 14, 2013; and August 14, 2015. Specifically, we are proposing to approve revisions to the Texas Emission Credit, Mass Emissions Cap and Trade, Discrete Emission Credit, and Highly Reactive Volatile Organic Compound Emissions Cap and Trade Programs such that the Texas SIP will include the current state program regulations promulgated and implemented in Texas. We are also proposing to approve compliance flexibility provisions for stationary sources using the Texas Emission Reduction Plan submitted on July 15, 2002; May 30, 2007; and July 10, 2015.

DATES: Written comments should be received on or before June 12, 2017.

ADDRESSES: Submit your comments, identified by EPA–R06–OAR–2015–0585, at *http://www.regulations.gov* or via email to *wiley.adina@epa.gov.* For additional information on how to submit comments see the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Adina Wiley, 214–665–2115, *wiley.adina@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action no further activity is contemplated. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: April 27, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2017–09471 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0136; FRL–9961–88–Region 4]

Air Plan Approval; TN: Non-Interference Demonstration for Federal Low-Reid Vapor Pressure Requirement in Shelby County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a noninterference demonstration that evaluates whether the change for the Federal Reid Vapor Pressure (RVP) requirements in Shelby County (hereinafter referred to as the ''Area'') would interfere with the Area's ability to meet the requirements of the Clean Air Act (CAA or Act). Tennessee submitted through the Tennessee Department of Environment and Conservation (TDEC), on April 12, 2017, a noninterference demonstration on behalf of the Shelby County Health Department requesting that EPA change the RVP requirements for Shelby County. Specifically, Tennessee's

noninterference demonstration concludes that relaxing the federal RVP requirement from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline sold between June 1 and September 15 of each year in Shelby County would not interfere with attainment or maintenance of the national ambient air quality standards (NAAQS or standards) or with any other CAA requirement.

DATES: Comments must be received on or before June 12, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0136 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Lakeman can be reached via telephone at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is being proposed today?

This rulemaking proposes to approve Tennessee's noninterference demonstration, submitted on April 12, 2017, in support of the State's request that EPA relax the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold between June 1 and September 15 of each year (*i.e.,* during high ozone season) in Shelby County. The State is requesting the removal of the federal 7.8 psi RVP requirement. As part of that request, Tennessee has evaluated whether removal of this requirement would interfere with air quality in Shelby County. To make this demonstration of noninterference, Tennessee completed a technical analysis, including modeling, to estimate the change in emissions that would result from a switch to 9.0 psi RVP fuel in Shelby County.[1] The noninterference demonstration is further supported by the June 23, 2016 (81 FR 40816), revised and approved maintenance plan that utilizes an RVP input parameter of 9.0 psi.

On January 19, 2016, Tennessee submitted a redesignation request and maintenance plan for the portion of Tennessee that is within the Memphis, Tennessee-Mississippi-Arkansas (Memphis, TN–MS–AR) 2008 8-hour ozone nonattainment area to attainment for the 2008 8-hour ozone NAAQS, which EPA approved on June 23, 2016 (81 FR 40816). Shelby County is in the Tennessee portion of the Memphis, TN–MS–AR area. In the maintenance plan, Tennessee used EPA's Motor Vehicle Emissions Simulator (MOVES) to develop its projected emissions inventory according to EPA's guidance for on-road mobile sources using MOVES version 2014. Future-year on-road mobile source emissions estimates for 2017, 2020, and 2027 were generated with MOVES2014 using an RVP input parameter of 9.0 psi. The maintenance plan showed compliance with and maintenance of the 2008 8-hour ozone NAAQS by providing information to support the demonstration that current and future emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC) remained at or below the 2012 base year emissions inventory. For more detailed information, see EPA's April 19, 2016 (81 FR 22948), proposed approval of the maintenance plan for the 2008 8-hour ozone NAAQS, which was finalized on June 23, 2016 (81 FR 40816).

It should be noted that when Tennessee requested that Shelby County be redesignated to attainment for the 2008 8-hour ozone standard, the State took a conservative approach for the maintenance demonstrations and modeled 9.0 psi for the RVP requirements for this Area as opposed to 7.8 psi. The State did not, at that time, request the removal of the federal RVP requirements for Shelby County.

EPA is proposing to find that Tennessee's noninterference demonstration supports the conclusion that the use of gasoline with an RVP of 9.0 psi in Shelby County will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.

II. What is the background for the Shelby County area?

Shelby County, Tennessee (then referred to as the Memphis, TN Area) was originally designated as a single-county marginal nonattainment area for the 1-hour ozone standard on November 6, 1991 (56 FR 56694). On February 16, 1995 (60 FR 3352), the Memphis, TN Area was redesignated as attainment for the 1-hour ozone standards, and was considered to be a maintenance area subject to a CAA section 175A maintenance plan for the 1-hour ozone standard. Tennessee's 1-hour ozone redesignation request and maintenance plan did not include a request to relax the 7.8 psi federal RVP standard.

On April 30, 2004 (69 FR 23857), EPA designated the Memphis, TN–AR Area, which included Shelby County, as a ''moderate'' 1997 8-hour ozone NAAQS nonattainment area under Clean Air Act title I, part D, subpart 2 (''Additional Provisions for Ozone Nonattainment Areas''). On July 15, 2004, pursuant to section 181(a)(4) of the CAA, the State of Tennessee submitted a petition to EPA, requesting that the classification of Memphis, TN–AR Area be adjusted downward from ''moderate'' to ''marginal'' for the 1997 8-hour ozone standard. The petition was based on the fact that the area's ''moderate'' design value of 0.092 parts per million (ppm) was within five percent of the maximum ''marginal'' design value of 0.091 ppm. Pursuant to section 181(a)(4), areas with design values within five percent of the standard may request a reclassification under specific circumstances. EPA approved the petition for reclassification, which became effective on November 22, 2004 (69 FR 56697, September 22, 2004). The Tennessee portion of the Memphis, TN–AR Area (*i.e.,* Shelby County) was redesignated to attainment for the 1997 8-hour ozone NAAQS in a final rulemaking on January 4, 2010 (75 FR 56). Tennessee's 1997 8-hour ozone redesignation request and maintenance plan did not include a request to relax the 7.8 psi federal RVP standard.

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 ppm. *See* 73 FR 16436 (March 27, 2008).

[1] As described in Section III of this preamble, Shelby County was originally part of the Memphis, Tennessee (Memphis, TN) 1-hour ozone nonattainment area; later, part of the Memphis, Tennessee-Arkansas (Memphis, TN–AR) 1997 8-hour ozone nonattainment area; and finally, part of the Memphis, Tennessee-Mississippi-Arkansas (Memphis, TN–MS–AR) 2008 8-hour ozone nonattainment area.

Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR part 50.15. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined in appendix P of part 50.

Shelby County, as part of the Memphis, TN–AR–MS Area, was designated as a marginal nonattainment area for the 2008 8-hour ozone NAAQS on May 21, 2012 (effective July 20, 2012), using 2008–2010 ambient air quality data. *See* 77 FR 30088. The Tennessee portion of the Memphis, TN–AR Area (*i.e.,* Shelby County) was redesignated to attainment on June 23, 2016 (81 FR 40816). Tennessee's 2008 8-hour ozone redesignation request and maintenance plan did not include a request to relax the 7.8 psi federal RVP standard, although the maintenance plan reflected the 9.0 psi RVP standard. Tennessee is now requesting that EPA remove the federal 7.8 psi RVP requirement for Shelby County.

III. What is the history of the gasoline volatility requirement?

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide had become increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as VOCs, are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function (thereby aggravating asthma or other respiratory conditions), increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under section 211(c) of CAA, EPA promulgated regulations on March 22, 1989 (54 FR 11868), that set maximum limits for the RVP of gasoline sold during the high ozone season. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of commercial gasoline during the summer ozone control season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum RVP standards of 9.0 psi or 7.8 psi (depending on the State, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS during the high ozone season).

The 1990 CAA Amendments established a new section, 211(h), to address fuel volatility. Section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. Section 211(h) prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with section 211(h) of the CAA. The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, beginning in 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658). A current listing of the RVP requirements for states can be found on EPA's Web site at: *https://www.epa.gov/gasoline-standards.*

As explained in the December 12, 1991 (56 FR 64704), Phase II rulemaking, EPA believes that relaxation of an applicable RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, section 107(d)(3) of the Act requires the state to make a showing, pursuant to section 175A of the Act, that the area is capable of maintaining attainment for the ozone NAAQS for ten years after redesignation. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not relax the volatility standard unless the state requests a relaxation and the maintenance plan demonstrates, to the satisfaction of EPA, that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

As noted above, Tennessee did not request relaxation of the applicable 7.8 psi federal RVP standard when Shelby County was redesignated to attainment for the 1-hour ozone NAAQS, the 1997 8-hour ozone NAAQS, and the 2008 8-hour ozone NAAQS. Tennessee is therefore now submitting a noninterference demonstration concluding that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold between June 1st and September 15th of each year in Shelby County would not interfere with attainment or maintenance of the NAAQS.

IV. What are the section 110(l) requirements?

To support Tennessee's request to relax the federal RVP requirement in Shelby County, the State must demonstrate that the requested change will satisfy section 110(l) of the CAA. Section 110(l) requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the Act. EPA's criterion for determining the approvability of Tennessee's April 12, 2017, noninterference demonstration, is whether the noninterference demonstration associated with the relaxation request satisfies section 110(l). The modeling associated with Tennessee's maintenance plan for the 2008 8-hour ozone NAAQS is premised upon the future-year emissions estimates for 2017, 2020, and 2027, which are based on the 9.0 psi RVP. EPA is proposing approval of the noninterference demonstration based on an evaluation of current air quality monitoring data and the information provided in the noninterference demonstration.

EPA evaluates each section 110(l) noninterference demonstration on a case-by-case basis considering the circumstances of each SIP revision. EPA interprets 110(l) as applying to all NAAQS that are in effect, including those that have been promulgated but for which EPA has not yet made designations. The degree of analysis focused on any particular NAAQS in a noninterference demonstration varies depending on the nature of the emissions associated with the proposed SIP revision. EPA's analysis of Tennessee's April 12, 2017, noninterference demonstration pursuant to section 110(l) is provided below.

EPA notes that in this action, it is only proposing to approve the State's technical demonstration that the Area can continue to attain and maintain the NAAQS and meet other CAA requirements after switching to the sale of gasoline with an RVP of 9.0 psi in Shelby County during the high ozone season. Consistent with CAA section 211(h) and the Phase II volatility regulations, EPA will initiate a separate rulemaking to relax the current federal requirement to use gasoline with an RVP of 7.8 psi in Shelby County.

V. What is EPA's analysis of Tennessee's submittal?

a. Overall Preliminary Conclusions Regarding Tennessee's Noninterference Demonstration

On April 12, 2017, TDEC submitted a noninterference demonstration to support the State's request to modify the RVP summertime gasoline requirement from 7.8 psi to 9.0 psi for the Area. This demonstration includes an evaluation of the impact that the removal of the 7.8 psi RVP requirement would have on maintenance of the ozone standards and on the maintenance of the other NAAQS.[2] Tennessee focused its analysis on the impact of the change in RVP to attainment and maintenance of the ozone, particulate matter (PM),[3] and NO_2 NAAQS because: RVP requirements do not affect lead, sulfur dioxide (SO_2), or carbon monoxide (CO) emissions; because VOC and NO_X emissions are precursors for ozone and PM; and because NO_2 is a component of NO_X.

TDEC's noninterference demonstration relied on a previously-approved maintenance plan (June 23, 2016, 81 FR 40816) in which Tennessee used EPA's MOVES2014 model to develop its projected emissions inventory according to EPA's guidance for on-road mobile sources. The future-year on-road mobile source emissions estimates for 2017, 2020, and 2027 were generated with MOVES2014[4] using a RVP input parameter of 9.0 psi. The maintenance plan showed compliance with and maintenance of the 2008 8-hour ozone NAAQS by providing information to support the demonstration that current and future emissions of NO_X and VOC remained at or below the 2012 base year emissions inventory. Tables 1 and 2 show the direct impact on mobile source emissions as a result of the change for RVP requirements for Shelby County. As summarized below, NO_X and VOC emissions are expected to continue to decrease with the use of the 9.0 psi RVP standard.

TABLE 1—ON-ROAD MOBILE SOURCE OZONE SEASON NO_X EMISSIONS IN SHELBY COUNTY

[Average tons/day]

9.0 psi RVP			7.8 psi RVP
2017	2020	2027	2012
31.30	22.42	12.51	61.56

TABLE 2—ON-ROAD MOBILE SOURCE OZONE SEASON VOC EMISSIONS IN SHELBY COUNTY

[Average tons/day]

9.0 psi RVP			7.8 psi RVP
2017	2020	2027	2012
11.22	8.75	5.81	19.01

These mobile source emissions are used as part of the evaluation of the potential impacts to the NAAQS that might result exclusively from changing the high ozone season RVP requirement from 7.8 psi to 9.0 psi. Therefore, emissions resulting from the change in RVP are not expected to cause the area to be out of compliance with any NAAQS.

b. Noninterference Analysis for the Ozone NAAQS

As a previous 1-hour ozone nonattainment area, Shelby County has been subject to the federal RVP requirements for high ozone season gasoline. Although implemented for purposes of bringing areas into attainment for the 1-hour ozone NAAQS, these federal RVP requirements continued to apply in Shelby County because the State did not, until now, request removal of the federal RVP requirements.

As described previously, Shelby County was redesignated to attainment for the 1-hour ozone NAAQS, the 1997 8-hour ozone NAAQS, and the 2008 8-hour ozone NAAQS. The Memphis Area is continuing to meet the 1-hour ozone NAAQS, the 1997 8-hour ozone NAAQS, and the 2008 8-hour ozone NAAQS,[5] based on recent air quality monitoring data. Additionally, the current design value (DV) is below the most recently promulgated 2015 ozone NAAQS in the Memphis Area. The 2008 ozone NAAQS is met when the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years is 0.075 ppm or less. Similarly, the 2015 ozone NAAQS, as published in a final rule on October 26, 2015 (80 FR 65292), is met when the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years is 0.070 ppm or less. The trend in DVs for ozone for the Memphis Area is shown in Table 3, with the current DV in the Area being 0.067 ppm in 2015, below the 2015 standard. EPA also evaluated the potential increase in the VOC and NO_X precursor emissions and whether it is reasonable to conclude that the requested change to RVP requirements in Shelby County during the high ozone season would cause the Memphis Area to violate any ozone NAAQS.

TABLE 3—MEMPHIS AREA OZONE DESIGN VALUE TRENDS

Years	Design value (ppm)
2005–2007	0.089
2006–2008	0.082
2007–2009	0.078
2008–2010	0.076
2009–2011	0.077
2010–2012	0.079
2011–2013	0.078
2012–2014	0.073
2013–2015	0.067

Table 3 also shows that there is an overall downward trend in ozone concentrations in the Memphis Area. This decline can be attributed to federal and state programs that have led to significant emissions reductions in ozone precursors, such as federal standards in on-road and non-road mobile source sectors and resultant fleet turnover. *See* 81 FR 22948, (April 19, 2016). Given this downward trend, the downward trend in precursor emissions, the current ozone concentrations in the Memphis Area, and the results of Tennessee's emissions analysis, EPA is proposing to determine that a change to 9.0 psi RVP fuel for Shelby County would not interfere with the Memphis Area's ability to maintain the 2008 8-hour ozone NAAQS.

[2] The six NAAQS for which EPA establishes health and welfare based standards are CO, lead, NO_2, ozone, PM, and SO_2.

[3] PM is composed of $PM_{2.5}$ and PM_{10}.

[4] MOVES2014a is the latest version of MOVES model. However, the use of MOVES2014 was acceptable when EPA approved Tennessee's 2008 8-hour ozone maintenance plan because MOVES2014 was the latest EPA mobile source model available to the State at the time that it developed the maintenance plan.

[5] The air quality design value for the 8-hour ozone NAAQS is the 3-year average of the annual 4th highest daily maximum 8-hour ozone concentration. The level of the 2008 8-hour ozone NAAQS is 0.075 ppm. The 2008 8-hour ozone NAAQS is not met when the design value is greater than 0.075 ppm.

c. Noninterference Analysis for the PM NAAQS

Over the course of several years, EPA has reviewed and revised the $PM_{2.5}$ NAAQS a number of times. On July 16, 1997, EPA established an annual $PM_{2.5}$ NAAQS of 15.0 micrograms per cubic meter (μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and a 24-hour $PM_{2.5}$ NAAQS of 65 μg/m³, based on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 62 FR 36852 (July 18, 1997). On September 21, 2006, EPA retained the 1997 Annual $PM_{2.5}$ NAAQS of 15.0 μg/m³ but revised the 24-hour $PM_{2.5}$ NAAQS to 35 μg/m³, based again on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 71 FR 61144 (October 17, 2006). On December 14, 2012, EPA retained the 2006 24-hour $PM_{2.5}$ NAAQS of 35 μg/m³ but revised the annual primary $PM_{2.5}$ NAAQS to 12.0 μg/m³, based again on a 3-year average of annual mean $PM_{2.5}$ concentrations. *See* 78 FR 3086 (January 15, 2013).

The main precursor pollutants for $PM_{2.5}$ are NO_X, SO_2, VOC, and ammonia. As mentioned above, the federal RVP requirements only result in emissions benefits for VOC and NO_X. Therefore, Tennessee focused on these two $PM_{2.5}$ precursors in its analysis of the potential impact of changing the RVP requirements for Shelby County on the $PM_{2.5}$ NAAQS. Tennessee asserted in its 110(l) demonstration that relaxing the RVP standard will have little impact on these precursor emissions in relation to PM formation and is not expected to negatively impact attainment or maintenance of the $PM_{2.5}$ NAAQS. Moreover, there have been a number of studies which have indicated that SO_2 is the primary driver of $PM_{2.5}$ formation in the Southeast.[6]

Given the downward trend in precursor emissions (specifically for NO_X and VOC) noted above and given that, as previously stated, RVP does not affect the most significant $PM_{2.5}$ precursor (SO_2), EPA is proposing to determine that a change to 9.0 psi RVP fuel for the affected counties would not interfere with the Area's ability to attain or maintain the $PM_{2.5}$ NAAQS in the Area.

d. Noninterference Analysis for the 2010 NO_2 NAAQS

On February 17, 2012, EPA designated all counties in Tennessee as unclassifiable/attainment for the 2010 NO_2 NAAQS. *See* 77 FR 9532. Based on the technical analysis in Tennessee's April 12, 2017, noninterference demonstration, as shown in Table 3, there is an overall downward trend in ozone concentrations in the Memphis Area, and NO_2, as a component of NO_X, is an ozone precursor. This decline can be attributed to federal and state programs that have led to significant emissions reductions in ozone precursors, such as federal standards in on-road and non-road mobile source sectors and resultant fleet turnover. *See* 81 FR 22948, (April 19, 2016). Given this downward trend, the downward trend in precursor emissions, the current ozone concentrations in the Memphis Area, and the results of Tennessee's emissions analysis and the current unclassifiable/attainment designation, EPA is proposing to determine that a change to 9.0 psi RVP fuel for Shelby County would not interfere with maintenance of the 2010 NO_2 NAAQS in the Area.

VI. Proposed Action

EPA is proposing to approve Tennessee's April 12, 2017, noninterference demonstration supporting the State's request to relax the RVP standard to 9.0 psi in Shelby County. EPA is also proposing to find that this change in the RVP requirements for Shelby County will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.

EPA is proposing that Tennessee's April 12, 2017, SIP noninterference demonstration associated with the State's request for the removal of the federal RVP requirements, are consistent with the applicable provisions of the CAA. Should EPA decide to remove Shelby County from those areas subject to the 7.8 psi federal RVP requirements, such action will occur in a separate, subsequent rulemaking.

VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR part 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed 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 proposed action:

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

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

List of Subjects in 40 CFR Part 52

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

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

[6] *See, e.g., Quantifying the sources of ozone, fine particulate matter, and regional haze in the Southeastern United States,* Journal of Environmental Engineering (June 24, 2009), available at: *http://www.journals.elsevier.com/journal-ofenvironmental-management.*

Dated: April 17, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–09491 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 61, and 63

[EPA–R09–OAR–2017–0071; FRL–9961–78-Region 9]

Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve updates to the Code of Federal Regulations delegation tables to reflect the current delegation status of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in Arizona and Nevada.

DATES: Comments must be received by June 12, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0071 at *https://www.regulations.gov,* or via email to *Steckel.Andrew@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, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, EPA Region IX, (415) 947–4152, *buss.jeffrey@epa.gov*.

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' section of this **Federal Register**, the EPA is approving updates to the Code of Federal Regulations delegation tables to reflect the current delegation status of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in Arizona and Nevada. We are approving these updates in a direct final action without prior proposal because we believe this action is not controversial. A detailed rationale for the approval is set forth in the direct final rule. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in a subsequent final rule based on this proposed rule. Please note that if the EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: March 24, 2017.

Elizabeth J. Adams,

Acting Director, Air Division, Region IX.

[FR Doc. 2017–09496 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 90
Thursday, May 11, 2017

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Development Voucher Program

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA) in fiscal year (FY) 2006 established the demonstration Rural Development Voucher Program (RDVP), as authorized under Section 542 of the Housing Act of 1949. This Notice informs the public of the general policies and procedures for the RDVP for FY 2017. Rural Development Vouchers are only available to low-income tenants of Rural Development (RD)-financed multi-family properties where the Rural Rental Housing loan (Section 515) has been prepaid (either through prepayment or foreclosure action); prior to the loan's maturity date.

DATES: In order for eligible tenants to participate, a voucher obligation form must be submitted within 10 months of the foreclosure or pre-payment.

FOR FURTHER INFORMATION CONTACT: Stephanie B.M. White, Director, Multi-Family Housing Portfolio Management Division, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 0782, Washington, DC 20250, telephone (202) 720–1615. Persons with hearing or speech impairments may access this number via TDD by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

This Notice outlines the process for providing voucher assistance to eligible tenants when a property owner either prepays a Section 515 loan or USDA action results in a foreclosure after September 30, 2005.

RD will publish the amount of funding received in the final FY 2017 appropriations on its Web site at: *https://www.rd.usda.gov/newsroom/stakeholder-announcements:*

II. Design Features of the RDVP

This section sets forth the design features of the RDVP, including the eligibility of tenants, the inspection of the housing units, and the calculation of the subsidy amount.

Rural Development Vouchers under this part are administered by the Rural Housing Service, an Agency under the RD mission area, in accordance with requirements set forth in this Notice and further explained in, ''The Rural Development Voucher Program Guide,'' which can be obtained by contacting any RD Office. Contact information for RD offices can be found at: *http://www.rd.usda.gov/contact-us/state-offices.* These requirements are generally based on the housing choice voucher program regulations of the Department of Housing and Urban Development (HUD) set forth at 24 CFR part 982, unless otherwise noted by this Notice.

The RDVP is intended to offer protection to eligible Multi-Family Housing (MFH) tenants in properties financed through RD's Section 515 Rural Rental Housing program (Section 515 property) who may be subject to economic hardship due to the property owner's prepayment of the RD mortgage. When the owner of a Section 515 property pays off the loan prior to the loan's maturity date (either through prepayment or foreclosure action), the RD affordable housing requirements and Rental Assistance (RA) subsidies generally cease to exist. Rents may increase, thereby making the housing unaffordable to tenants. Regardless, the tenant may become responsible for the full payment of rent when a prepayment occurs, whether or not the rent increases.

The Rural Development Voucher Program is intended to help tenants by providing an annual rental subsidy, renewable on the terms and conditions set forth herein and subject to the availability of funds, that will supplement the tenant's rent payment. This program enables a tenant to make an informed decision about remaining in the property, moving to a new property, or obtaining other financial housing assistance. Low-income tenants in the prepaying property are eligible to receive a voucher to use at their current rental property, or to take to any other rental unit in the United States and its territories. Tenants in properties foreclosed on by RD are eligible for a Rural Development Voucher under the same conditions as properties that go through the standard prepayment process.

There are some general limitations on the use of a voucher:

- The rental unit must pass a RD health and safety inspection, and the owner must be willing to accept a Rural Development Voucher.
- Rural Development Vouchers cannot be used for units in subsidized housing, like Section 8 and public housing, where two housing subsidies would result. The Rural Development Voucher may be used for rental units in other properties financed by RD, but it cannot be used in combination with the RD RA program.
- The Rural Development Voucher may not be used to purchase a home.

a. *Tenant Eligibility.* In order to be eligible for the Rural Development Voucher under this Notice, the tenant must meet the following conditions:

1. Be residing in the Section 515 project on the date of the prepayment of the Section 515 loan or foreclosure by RD;

2. Be a United States (U.S.) citizen, U.S. citizen national, or a resident alien that meets certain qualifications. In accordance with Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a), financial assistance under this voucher program can only be provided to a United States (U.S.) citizen, U.S. non-citizen national, or a resident alien that meets certain qualifications. RD considers the tenant who applies for the voucher under this Notice as the individual receiving the financial assistance from the voucher. Accordingly, the individual tenant who applies for a voucher under this program must submit the following documentation (42 U.S.C. 1436a(d)):

i. For citizens, a written declaration of U.S. citizenship signed under the penalty of perjury. RD may request verification of the declaration by requiring presentation of a U.S. passport, Social Security card, or other appropriate documentation, as determined by RD;

ii. For non-citizens who are 62 years of age or older, the evidence consists of:

A. A signed declaration of eligible immigration status; and

B. Proof of age document; and

iii. For all other non-citizens:

A. A signed declaration of eligible immigration status;

B. Alien registration documentation or other proof of immigration registration from the United States Citizenship and Immigration Services (USCIS) that contains the individual's alien admission number or alien file number; and

C. A signed verification consent form that provides that evidence of eligible immigration status may be released to RD and USCIS for purposes of verifying the immigration status of the individual. RD shall provide a reasonable opportunity, not to exceed 30 days, for an individual to submit evidence indicating a satisfactory immigration status, or to appeal to the Immigration and Naturalization Service the verification determination of the Immigration and Naturalization Service; and

3. Be a low-income tenant on the date of the prepayment or foreclosure. A low-income tenant is a tenant whose annual income does not exceed 80 percent of the tenant median income for the area as defined by HUD. HUD's definition of median income can be found at: *https://www.huduser.gov/portal/datasets/il/il16/index_mfi.html.*

During the prepayment or foreclosure process, RD will evaluate the tenant to determine if the tenant is low-income. If RD determines a tenant is low-income, then within 90 days following the foreclosure or prepayment, RD will send the tenant a letter offering the tenant a voucher and will enclose a Voucher Obligation Request Form and a citizenship declaration form. If the tenant wants to participate in the RDVP, the tenant has 10 months from the date of prepayment or foreclosure to return the Voucher Obligation Request Form and the citizenship declaration to the local RD Office. If RD determines that the tenant is ineligible, RD will provide administrative appeal rights in accordance with 7 CFR part 11.

b. *Obtaining a Voucher.* RD will monitor the prepayment request process or foreclosure process, as applicable. As part of prepayment or foreclosure of the Section 515 property, RD will determine market rents in the housing market area prior to the date of prepayment or foreclosure. The market rents will be used to calculate the amount of the voucher each tenant is entitled to receive.

As noted above, all tenants will be notified if they are eligible and the amount of the voucher within 90 days following the date of prepayment or foreclosure. The tenant notice will include a description of the RDVP, a Voucher Obligation Request Form, and letter from RD offering the tenant participation in RDVP. The tenant has 10 months from the date of prepayment or foreclosure to return the Voucher Obligation Request Form and the signed citizenship declaration. Failure to submit the Voucher Obligation Request Form and the signed citizenship declaration within the required timeframes eliminates the tenant's opportunity to receive a voucher. A tenant's failure to respond within the required timeframes is not appealable.

Once the tenant returns the Voucher Obligation Request Form and the citizenship declaration to RD, a voucher will be issued within 30 days subject to the availability of funding. The Voucher document itself is evidence to a prospective landlord that the tenant has a rent subsidy available to meet the housing expense. All information necessary for a housing search, explanations of unit acceptability, and RD contact information will be provided by RD to the tenant after the Voucher Obligation Request Form and citizenship declaration are received. In cases where the foreclosure sale yields no successful bidders and the property enters RD inventory, vouchers will be offered upon the property's entry into inventory. The voucher cannot be used at an inventory property.

The tenant receiving a Rural Development Voucher has an initial period of 60 calendar days from issuance of the voucher to find a housing unit. At its discretion, RD may grant one or more extensions of the initial period for up to an additional 60 days. Generally, the maximum voucher period for any tenant participating in the RDVP is 120 days. RD will extend the voucher search period beyond the 120 days only if the tenant needs and requests an extension of the initial period as a reasonable accommodation to make the program accessible to a disabled family member. If the Rural Development Voucher remains unused after a period of 150 days from the date of original issuance, the Rural Development Voucher will become void, any funding will be cancelled, and the tenant will no longer be eligible to receive a Rural Development Voucher. If a tenant previously participated in the RDVP and was subsequently terminated, that tenant is ineligible for future participation in the RDVP.

c. *Initial Lease Term.* The initial lease term for the housing unit where the tenant wishes to use the Rural Development Voucher must be for one year. The ''initial lease'' is the first lease signed by and between the tenant and the property owner.

d. *Inspection of Units and Unit Approval.* Once the tenant finds a housing unit, Rural Development will inspect and determine if the housing standard is acceptable within 30 days of RD's receipt of the HUD Form 52517, ''Request for Tenancy Approval Housing Choice Voucher Program'' found at *http://portal.hud.gov/hudportal/documents/huddoc?id=52517.pdf* and the Disclosure of Information on Lead-Based Paint Hazards. The inspection standards currently in effect for the RD Section 515 Multi-Family Housing program apply to the RDVP. RD must inspect the unit and ensure that the unit meets the housing inspection standards set forth at 7 CFR 3560.103. Under no circumstances will RD make voucher rental payments for any period of time prior to the date that RD physically inspects the unit and determines the unit meets the housing inspection standards. In the case of properties financed by RD under the Section 515 program, RD will only accept the results of physical inspections performed no more than one year prior to the date of receipt by RD of Form HUD 52517, in order to make determinations on acceptable housing standards. Before approving tenancy or executing a Housing Assistance Payments contract, RD must first determine that the following conditions are met:

1. The unit has been inspected by RD and passes the housing standards inspection or has otherwise been found acceptable by RD, as noted previously; and

2. The lease includes the HUD Tenancy Addendum. A copy of the HUD Tenancy Addendum will be provided by RD when the tenant is informed he/she is eligible for a voucher.

Once the conditions in the above paragraph are met, RD will approve the unit for leasing. RD will then execute with the owner a Housing Assistance Payments (HAP) contract, Form HUD–52641. The HAP contract must be executed before Rural Development Voucher payments can be made. RD will attempt to execute the HAP contract on behalf of the tenant before the beginning of the lease term. In the event that this does not occur, the HAP contract may be executed up to 60 calendar days after the beginning of the lease term. If the HAP contract is executed during this 60-day period, RD will make retroactive housing assistance payments to the owner, on behalf of the tenant, to cover the portion of the approved lease term before execution of the HAP contract. The HAP contract and lease will need

to be revised to the later effective date. RD will not execute a HAP contract that is dated prior to either the prepayment date of the Section 515 loan, or the date of foreclosure, as appropriate. RD will not execute a HAP contract that is dated prior to the date that funding is obligated for the Voucher. Any HAP contract executed after the 60-day period will be considered untimely. If the failure to execute the HAP contract within the aforementioned 60-day period lies with the owner, as determined by RD, then RD will not pay any housing assistance payment to the owner for that period. In no case will RD pay for any period prior to the obligation of funding for the Voucher.

e. *Subsidy Calculations for Rural Development Vouchers.* As stated earlier, an eligible tenant will be notified of the maximum voucher amount within 90 days following prepayment or foreclosure. The maximum voucher amount for the RDVP is the difference between the market rent in the housing market area and the tenant's contribution toward rent on the date of the prepayment, as determined by RD. The voucher amount will be based on the market rent; the voucher amount will never exceed the market rent at the time of prepayment even if the tenant chooses to stay in-place.

Also, in no event will the Rural Development Voucher payment exceed the actual tenant lease rent. The Rural Development Voucher Program has no provision for an increased Voucher amount if the tenant chooses to move to a more expensive location.

f. *Mobility and Portability of Rural Development Vouchers.* An eligible tenant that is issued a Rural Development Voucher may elect to use the voucher in the same project, or may choose to move to another location. The Rural Development Voucher may be used at the prepaid property or any other rental unit in the United States and its territories that passes RD physical inspection standards, and where the owner will accept a Rural Development Voucher and execute a Form HUD 52641. Both the tenant and landlord must inform RD if the tenant plans to move during the HAP agreement term, even to a new unit in the same complex. All moves (within a complex or to another complex) require a new voucher obligation form, a new inspection by RD, and a new HAP agreement. In addition, HUD Section 8 and federally-assisted public housing are excluded from the RDVP because those units are already federally subsidized; tenants with a Rural Development Voucher would have to give up the Rural Development Voucher to accept those other types of assistance at those properties. However, while the Rural Development Voucher may be used in other properties financed by RD, it cannot be used in combination with the RD RA program. Tenants with a Rural Development Voucher that apply for housing in an RD-financed property must choose between using the voucher or RA, if available. If the tenant relinquishes the Rural Development Voucher in favor of RA, the tenant is not eligible to receive another Rural Development Voucher.

g. *Term of Funding and Conditions for Renewal for Rural Development Vouchers.* The RDVP provides voucher assistance over 12 monthly payments. The voucher is issued to the household in the name of the primary tenant as the voucher holder. The voucher is not transferable from the voucher holder to any other household member, except in the case of the voucher holder's death or involuntary household separation, such as the incarceration of the voucher holder or transfer of the voucher holder to an assisted living or nursing home facility. Upon receiving documentation of such cases, the voucher may be transferred at the Agency's discretion to another tenant on the voucher holder's lease.

The voucher is renewable subject to the availability of appropriations to the USDA. In order to renew a voucher, a tenant must return a signed Renewal Voucher Obligation Request Form, which will be sent to the tenant within 60–90 days before the current voucher expires. If the voucher holder fails to return the renewal Voucher Obligation Request Form before the current voucher funding expires, the voucher will be terminated and no renewal will occur.

Since inception of the program, the amount of the Voucher has not experienced an increase. The Agency reserves the right to implement automatic increases upon renewal, based upon an adjustment factor to be determined by the Agency.

In order to ensure continued eligibility to use the Rural Development Voucher, tenants must certify at the time they apply for renewal of the voucher that the current tenant income does not exceed the ''maximum income level,'' which is 80 percent of family median income (a HUD dataset broken down by State, and then by county). RD will advise the tenant of the maximum income level when the renewal Voucher Obligation Request Form is sent.

Renewal requests will enjoy no preference over other voucher requests, and will be processed as described in this Notice.

III. Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discrimination based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html*, and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410;

(2) *fax* (202) 690–7442; or

(3) *email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

IV. Paperwork Reduction Act

The information collection requirements contained in this document are those of the Housing Choice Voucher Program, which have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0169.

Dated: May 3, 2017.

Richard A. Davis,

Acting Administrator, Rural Housing Service.

[FR Doc. 2017–09500 Filed 5–10–17; 8:45 am]

BILLING CODE 3410–XV–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Performance Review Board Membership

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice.

SUMMARY: Notice is given of the appointment of members to a performance review board for the Architectural and Transportation Barriers Compliance Board (Access Board).

FOR FURTHER INFORMATION CONTACT: David M. Capozzi, Executive Director, Access Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111. Telephone (202) 272–0010.

SUPPLEMENTARY INFORMATION: Section 4314 (c) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service (SES) performance review boards. The function of the boards is to review and evaluate the initial appraisal of senior executives' performance and make recommendations to the appointing authority relative to the performance of these executives. Because of its small size, the Access Board has appointed SES career members from other federal agencies to serve on its performance review board. The members of the performance review board for the Access Board are:

- Craig Luigart, Chief Information Officer, Veterans Health Administration, Department of Veterans Affairs;
- Georgia Coffey, Deputy Assistant Secretary for Diversity and Inclusion, Department of Veterans Affairs;
- Rebecca Bond, Chief, Disability Rights Section, Department of Justice.

David M. Capozzi,

Executive Director.

[FR Doc. 2017–09544 Filed 5–10–17; 8:45 am]

BILLING CODE 8150–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Kansas Advisory Committee To Discuss a Project Proposal To Study Civil Rights and Educational Funding in Kansas Schools

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 Kansas Advisory Committee (Committee) will hold a meeting on Monday, June 5, 2017, at 10:00 a.m. CST. The meeting will include review of a project proposal for the Committee to study civil rights and educational funding in the state.

DATES: The meeting will take place on Monday, June 5, 2017, at 10:00 a.m. CST.

Public Call Information: Dial: 888–417–8531, Conference ID: 3022079.

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

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–417–8531, conference ID: 3022079. 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 Regional Programs Unit, 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 Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit 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, Kansas Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=249*). Click on ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call
Civil Rights in Kansas: Educational Funding Project Proposal
Future Plans and Actions
Public Comment
Adjournment

Dated: May 8, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–09586 Filed 5–10–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission Briefing and Business Meeting.

DATES: Friday, May 19, 2017, at 9:30 a.m. EST.

ADDRESSES: National Place Building, 1331 Pennsylvania Ave. NW., 11th Floor, Suite 1150, Washington, DC 20245 (Entrance on F Street NW.)

FOR FURTHER INFORMATION CONTACT: Brian Walch: (202) 376–8371; TTY: (202) 376–8116; *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: This briefing and business meeting is open to the public. The event will be live-streamed at: *https://www.youtube.com/user/USCCR/videos.* The link is subject to change. Any updates to the information will be found on the

Commission Web site and on Twitter and Facebook. There will also be a call-in line (listen only) for individuals who desire to listen to the presentations: 1–888–481–2844; Conference ID: 6912715.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least three business days before the scheduled date of the meeting.

During the briefing portion, Commissioners will ask questions and discuss the civil rights topic with the panelists. The public may submit written comments on the briefing topic to the above address for 30 days after the briefing. Please direct your comments to the attention of the ''Staff Director'' and clearly mark ''Briefing Comments Inside'' on the outside of the envelope. Please note we are unable to return any comments or submitted materials. Comments may also be submitted by email to *reentry@usccr.gov.*

Meeting Agenda

I. Approval of Agenda
II. *Public Briefing on Collateral Consequences:* The Crossroads of Punishment, Redemption, and the Effects on Communities (9:30 a.m. for opening remarks)
A. *Panel One:* Overview of Collateral Consequences of Incarceration: 9:40 a.m.–11:05 a.m.

National experts provide an overview of the long-lasting effects of incarceration after a prison sentence has ended. Panelists will discuss how these continuing barriers impact recidivism and particular communities.

Speakers' Remarks:
- Margaret Love, Executive Director, Collateral Consequences Resource Center
- Vikrant Reddy, Senior Research Fellow, Charles Koch Institute
- Traci Burch, Associate Professor of Political Science, Northwestern University
- John Malcolm, Vice President of the Institute for Constitutional Government, Heritage Foundation
- Naomi Goldberg, Policy and Research Director, Movement Advancement Project

B. *Panel Two:* Access to Civil Participation after Incarceration: 11:10 a.m.–12:15 p.m.

National experts and professors discuss the barriers to civil participation following incarceration, specifically focusing on the right to vote and jury participation.

Speakers' Remarks:
- Marc Mauer, Executive Director, The Sentencing Project
- Hans von Spakovsky, Senior Legal Fellow, Meese Center for Legal and Judicial Studies, Heritage Foundation
- James Binnall, Assistant Professor of Law, Criminology, and Criminal Justice, California State University at Long Beach
- Anna Roberts, Assistant Professor, Seattle University School of Law and Faculty Fellow, Fred T. Korematsu Center for Law and Equality

Lunch Break: 12:15 p.m.–1:15 p.m.

C. *Panel Three:* Access to Self-Sufficiency and Meeting Basic Needs: 1:15 p.m.–2:30 p.m.

National experts discuss the barriers to self-sufficiency and meeting basic needs after incarceration. Panelists will focus on employment, housing and access to public benefits.

Speakers' Remarks:
- Maurice Emsellem, Program Director, National Employment Law Project
- Kate Walz, Director of Housing Justice, Sargent Shriver National Center on Poverty Law
- Amy Hirsch, Managing Attorney, North Philadelphia Law Center; Welfare, Aging and Disabilities Units, Community Legal Services
- Marc Levin, Director, Center for Effective Justice; Texas Public Policy Foundation; Right on Crime

D. Adjourn Briefing—2:45 p.m.
III. *Break:* 2:45 p.m.–3:00 p.m.
IV. Business Meeting
A. Program Planning
- *FY 2017:* Discussion and vote on third briefing

B. State Advisory Committees
- Vote on appointments to the Michigan Advisory Committee
- Vote on appointments to the New Hampshire Advisory Committee

C. Management and Operations
- Staff Director's Report

V. Adjourn Meeting

Dated: May 9, 2017.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2017–09695 Filed 5–9–17; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[4/11/2017 through 4/25/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
Ford Tool and Machining, LLC d/b/a Ford Tool and Machining, Inc.	2205 Range Road, Loves Park, IL 61111.	4/12/2017	The firm manufactures steel forged machine tools primarily for the automotive fastener market.
Gear Motions, Inc	1750 Milton Avenue, Syracuse, NY 13209.	4/13/2017	The firm manufactures a wide range of gear types and provides engineering services.
Vertical Solutions, Inc. d/b/a VSI Parylene.	325 Interlocken Parkway, Broomfield, CO 80021.	4/13/2017	The firm manufactures parylene used primarily in the semiconductor industry.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE—Continued

[4/11/2017 through 4/25/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
Aurora Circuits, Inc	2250 White Oak Circle, Aurora, IL 60502.	4/19/2017	The firm manufactures printed circuit boards including single sided, double sided and multi-layer which are made of copper, aluminum, fiberglass and other substrates.
Loudspeaker Components, LLC.	7596 U.S. Highway 61 South, Lancaster, WI 53813.	4/12/2017	The firm manufactures speakers and speaker components including speaker cone assemblies (diaphragm), paperboard gasket, dust caps and spiders using manufacturing technologies such as paper making, plastic thermoforming, plastic injection molding, foam cutting and cloth treating sold in the OEM Automotive, aftermarket automotive, professional, multi-media, Hi-Fi, home alarm and musical instrument markets.
Michiana Global Mold, Inc	1702 East 7th Street, Mishawaka, IN 46544.	4/20/2017	The firm manufactures plastic and rubber injection molds.
Metlcast Industries, LLC	401 East Avenue B, Salina, KS 67402.	4/24/2017	The firm manufactures ductile and gray iron and other alloys.
The Industrial Controls Company, Inc.	N56 W24842 Corporate Circle, Sussex, WI 53089.	4/25/2017	The firm manufactures electrical control systems including custom control panels, production panels and hazardous location panels using electrical components such as wire, wire harnesses, connectors, controllers, relays, switches and indicators which are housed in cabinets, enclosures and brackets.
Sunflower Electrical Systems, LLC.	8302 Hedge Lane Terrace, Suite H, Shawnee, KS 66227.	4/25/2017	The firm manufactures custom electromechanical wire assemblies and harnesses.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Miriam Kearse,

Lead Program Analyst.

[FR Doc. 2017–09589 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results With Respect to Ningxia Huahui Activated Carbon Company, Ltd.

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On April 27, 2017, the Court of International Trade (CIT) issued its final judgment, sustaining the Department of Commerce's (the Department's) remand results pertaining to the third administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China (PRC) covering the period of review (POR) of April 1, 2009, through March 31, 2010. The Department is notifying the public that the final judgment in this case is not in harmony with the final results of the administrative review, and that the Department is amending the final results with respect to Ningxia Huahui Activated Carbon Company, Ltd. (Huahui).

DATES: *Effective Date:* May 7, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Palmer, AD/CVD Operations Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–9068.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2011, the Department issued the *AR3 Final Results* in its review of certain activated carbon from the PRC,[1] in which the Department calculated zero and *de minimis* weighted-average dumping margins for the individually-examined respondents.[2] In the *AR3 Final Results,* the Department determined that averaging the individually-examined respondents' zero and *de minimis* rates to establish separate rates for non-selected exporters would not be reasonably reflective of potential dumping margins during the POR.[3] In

[1] *See Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 76 FR 67142 (October 31, 2011) (*AR3 Final Results*) and accompanying Issues and Decision Memorandum.

[2] The individually examined respondents were Jacobi Carbons AB and Calgon Carbon (Tianjin) Co., Ltd.

[3] *See AR3 Final Results* and accompanying Issues and Decision Memorandum at 5.

particular, the Department assigned to Huahui the $0.44/kg dumping margin it had assigned Huahui as an individually-examined respondent in the second administrative review, and assigned to all other separate rate respondents a dumping margin of $0.28/kg, which was the margin the Department had assigned to separate rate respondents in the second administrative review.[4]

Certain separate rate respondents and their respective U.S. importers [5] challenged the Department's separate rate determinations in the CIT.[6] The CIT, in *Albemarle I,* remanded the Department's determination with regard to the separate rates assigned to Shanxi DMD and GHC/BPAC, and ordered the Department to reconsider its assignment of the $0.28/kg dumping margin to those separate rate respondents.[7] The CIT reserved any decision regarding whether the $0.44/kg dumping margin assigned to Huahui was permissible until its review of the Department's remand redetermination.[8] On remand following *Albemarle I,* the Department, under protest, averaged the zero and *de minimis* margins assigned to the individually-examined respondents in the third administrative review and assigned a dumping margin of zero to the separate rate respondents other than Huahui.[9] The Department declined to reconsider Huahui's dumping margin on remand, and, therefore, continued to assign the previous rate of $0.44/kg.[10]

Upon review of the Department's First Remand Redetermination, the CIT sustained the Department's assignment of the zero dumping margins to Shanxi DMD and GHC/BPAC, as well as the Department's assignment of a $0.44/kg dumping margin to Huahui.[11] On December 5, 2014, the Department issued amended final results notifying the public that the final judgment in the case, with respect to Shanxi DMD and GHC/BPAC, was not in harmony with the *AR3 Final Results.* Accordingly, the Department revised the weighted-average dumping margins for Shanxi DMD and GHC/BPAC to zero dollars per kilogram.[12]

Multiple parties appealed to the United States Court of Appeals for the Federal Circuit (Federal Circuit). The Federal Circuit, in *Albemarle III,* affirmed the CIT's judgment sustaining the Department's First Remand Redetermination with respect to Shanxi DMD and GHC/BPAC, but reversed the CIT's judgment as to the $0.44/kg dumping margin assigned to Huahui.[13] Specifically, with regard to Huahui, the Federal Circuit found that, given Huahui's history of dumping in the immediately preceding review, the Department had substantial evidence to support a determination that averaging the zero and *de minimis* rates assigned to the mandatory respondents may not reasonably reflect Huahui's potential dumping margin during the POR.[14] Nonetheless, although the Federal Circuit held that the Department was entitled to use ''other reasonable methods'' in assigning a rate to Huahui, the Federal Circuit found that the chosen method of carrying forward Huahui's data from the second administrative review was unreasonable.[15] In particular, citing the statute's preference for contemporaneity in periodic administrative reviews, the Federal Circuit held that ''Commerce could not on this record utilize data from the previous review,'' and, ''having declined to collect additional information, was required to follow the 'expected method' of utilizing the *de minimis* margins of the individually examined respondents from the contemporaneous period.'' [16] The Federal Circuit remanded the case to the CIT to issue appropriate instructions to the Department regarding the dumping margin to be assigned to Huahui.[17]

The CIT, in turn, remanded the issue to the Department with the instruction to ''redetermine a margin for Huahui in accordance with the holding of the Court of Appeals in *Albemarle III.*'' [18] In its Second Remand Redetermination, the Department averaged the zero and *de minimis* rates calculated for the individually-examined respondents in the third administrative review and assigned the resulting zero dumping margin to Huahui.[19] On April 27, 2017, the CIT sustained the Second Remand Redetermination and entered judgment accordingly.[20] The CIT's judgment in *Albemarle IV* constitutes a final decision that is not in harmony with the Department's *AR3 Final Results* and the *Amended AR3 Final Results.*

Timken Notice

In its decision in *Timken,*[21] as clarified by *Diamond Sawblades,*[22] the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision.

This notice is published in fulfillment of the publication requirement of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise at issue in the Second Remand Redetermination and *Albemarle IV* pending expiration of the period to appeal or, if appealed, a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, the Department amends the *AR3 Final Results* with respect to Huahui. Based on the Second Remand Redetermination, as affirmed by the Court in *Albemarle IV,* the revised weighted-average dumping margin for Huahui for the period April 1, 2009, through March 31, 2010, is zero.

In the event that the CIT's ruling is not appealed or, if appealed, is upheld by a final and conclusive court decision, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the revised dumping margin listed above.

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[4] *Id.* at 67145 and accompanying Issues and Decision Memorandum at 2–7.

[5] Plaintiffs were Huahui and its affiliated U.S. importer Albemarle Corporation; Shanxi DMD Corporation (Shanxi DMD); and Ningxia Guanghua Cherishmet Activated Carbon Company and Beijing Pacific Activated Carbon Products Company, Ltd. (GHC/BPAC) and their affiliated U.S. importer Cherishmet Inc.

[6] *Albemarle Corp.* v. *United States,* 931 F. Supp. 2d 1280 (CIT 2013) (*Albemarle I*).

[7] *Id.* at 1296–97.

[8] *Id.* at 1293.

[9] *See* Final Results of Redetermination Pursuant to Court Remand, *Albemarle Corp.* v. *United States,* Consol. Ct. No. 11–00451 at 13 (January 9, 2014) (First Remand Redetermination).

[10] *Id.* at 22.

[11] *Albemarle Corp.* v. *United States,* 27 F. Supp. 3d 1336, 1352 (CIT 2014) (*Albemarle II*).

[12] *Certain Activated Carbon from the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review; 2009–2010,* 79 FR 72165 (December 5, 2014) (*Amended AR3 Final Results*).

[13] *Albemarle Corp. & Subsidiaries* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016) (*Albemarle III*).

[14] *Id.* at 1355.

[15] *Id.* at 1355–56.

[16] *Id.* at 1359.

[17] *Id.*

[18] *See Albemarle Corp.* v. *United States,* Consol. Court No. 11–00451, Slip Op. 16–84 (CIT September 7, 2016) at 5–6.

[19] *See* Final Results of Redetermination Pursuant to Court Remand, *Albemarle Corp. et al.* v. *United States,* Consol. Court No. 11–00451, Slip Op. 16–84 (CIT September 7, 2016) (Second Remand Redetermination).

[20] *See Albemarle Corp. et al.* v. *United States,* Consol. Court No. 11–00451, Slip Op. 17–51 (CIT April 27, 2017) (*Albemarle IV*).

[21] *See Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

[22] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Cash Deposit Requirements

Because there have been subsequent administrative reviews for Huahui, the cash deposit rate for Huahui will remain the rate established in the recently-completed *AR8 Final Results,* which is $1.36/kg.[23]

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: May 5, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–09578 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 170331340–7340–01]

National Cybersecurity Center of Excellence (NCCoE) Trusted Geolocation in the Cloud Building Block

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites organizations to provide products and technical expertise to support and demonstrate security platforms for the Trusted Geolocation in the Cloud Building Block. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the Trusted Geolocation in the Cloud Building Block. Participation in the building block is open to all interested organizations.

DATES: Interested parties must contact NIST to request a letter of interest template to be completed and submitted to NIST. Letters of interest will be accepted on a first come, first served basis. Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than June 12, 2017. When the building block has been completed, NIST will post a notice on the NCCoE Trusted Geolocation in the Cloud Web site at *https://nccoe.nist.gov/projects/building_blocks/trusted_geolocation_in_the_cloud* announcing the completion of the building block and informing the public that it will no longer accept letters of interest for this building block.

ADDRESSES: The NCCoE is located at 9700 Great Seneca Highway, Rockville, MD 20850. Letters of interest must be submitted to *trusted-cloud-nccoe@nist.gov* or via hardcopy to National Institute of Standards and Technology, 100 Bureau Drive Mail Stop 2002 Gaithersburg, MD 20899. Organizations whose letters of interest are accepted in accordance with the process set forth in the **SUPPLEMENTARY INFORMATION** section of this notice will be asked to sign a Cooperative Research and Development Agreement (CRADA) with NIST. A CRADA template can be found at: *https://nccoe.nist.gov/library/nccoe-consortium-crada-example.*

FOR FURTHER INFORMATION CONTACT: Mike Bartock and Murugiah Souppaya via email to *trusted-cloud-nccoe@nist.gov;* by telephone 301–975–5358; or by mail to National Institute of Standards and Technology, NCCoE; 100 Bureau Drive Mail Stop 2002 Gaithersburg, MD 20899. Additional details about the Trusted Geolocation in the Cloud Building Block are available at: *https://nccoe.nist.gov/projects/building_blocks/trusted_geolocation_in_the_cloud.*

SUPPLEMENTARY INFORMATION:

Background: The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

Process: NIST is soliciting responses from all sources of relevant security capabilities (see below) to enter into a Cooperative Research and Development Agreement (CRADA) to provide products and technical expertise to support and demonstrate security platforms for the Trusted Geolocation in the Cloud Building Block. The full building block can be viewed at: *https://nccoe.nist.gov/projects/building_blocks/trusted_geolocation_in_the_cloud.*

Interested parties should contact NIST using the information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. NIST will then provide each interested party with a letter of interest template, which the party must complete, certify that it is accurate, and submit to NIST. NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the building block objective or requirements identified below. NIST will select participants who have submitted complete letters of interest on a first come, first served basis within each category of product components or capabilities listed below up to the number of participants in each category necessary to carry out this building block. However, there may be continuing opportunity to participate even after initial activity commences. Selected participants will be required to enter into a consortium CRADA with NIST (for reference, see **ADDRESSES** section above). NIST published a notice in the **Federal Register** on October 19, 2012 (77 FR 64314), inviting U.S. companies to enter into National Cybersecurity Excellence Partnerships (NCEPs) in furtherance of the NCCoE. For this demonstration project, NCEP partners will not be given priority for participation.

Building Block Objective: The building block provides details about the implementation of trusted resource pools to aggregate trusted systems and segregate them from untrusted resources, which results in the separation of higher-value, more sensitive workloads from commodity application and data workloads. A detailed description of the Trusted Geolocation in the Cloud Building Block is available at: *https://nccoe.nist.gov/projects/building_blocks/trusted_geolocation_in_the_cloud.*

Requirements: Each responding organization's letter of interest should identify which security platform component(s) or capability(ies) it is offering. Letters of interest should not include company proprietary information, and all components and capabilities must be commercially available. Components are listed in section 5 of the Trusted Geolocation in the Cloud Building Block (for reference, please see the link in the PROCESS section above) and include, but are not limited to:

[23] *See Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2014–2015,* 81 FR 62088, 62089 (September 8, 2016) (*AR8 Final Results*).

1. Commodity servers with hardware cryptographic module
2. Commodity network switches
3. Hypervisors
4. Operating systems
5. Application containers
6. Attestation server
7. Orchestration and management servers
8. Database servers
9. Directory servers
10. Software defined network
11. Data encryption and key management server
12. Cloud service

Each responding organization's letter of interest should identify how its products address one or more of the following desired solution characteristics in section 3 of the Trusted Geolocation in the Cloud Building Block (for reference, please see the link in the PROCESS section above):

1. Platform Attestation and Safer Hypervisor or Operating System Launch
2. Trust-Based Homogeneous Secure Migration within a Single Cloud Platform
3. Trust-Based and Geolocation-Based Homogeneous Secure Migration within a Single Cloud Platform
4. Data Protection and Encryption Key Management Enforcement Based on Trust-Based and Geolocation-Based Homogeneous Secure Migration within a Single Cloud Platform
5. Persistent Data Flow Segmentation Before and After the Trust-Based and Geolocation-Based Homogeneous Secure Migration within a Single Cloud
6. Industry Sector Compliance Enforcement for Regulated Workloads Before and After the Trust-Based and Geolocation-Based Homogeneous Secure Migration
7. Trust-Based and Geolocation-Based Homogeneous and Policy Enforcement in a Secure Cloud Bursting across Two Cloud Platforms

Responding organizations need to understand and, in their letters of interest, commit to provide:

1. Access for all participants' project teams to component interfaces and the organization's experts necessary to make functional connections among security platform components
2. Support for development and demonstration of the Trusted Geolocation in the Cloud Building Block in NCCoE facilities which will be conducted in a manner consistent with Federal requirements (*e.g.,* FIPS 200, FIPS 201, SP 800–53, and SP 800–63)

Additional details about the Trusted Geolocation in the Cloud Building Block are available at *https://nccoe.nist.gov/projects/building_blocks/trusted_geolocation_in_the_cloud.*

NIST cannot guarantee that all the products proposed by respondents will be used in the demonstration. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the consortium CRADA in the development of the Trusted Geolocation in the Cloud Building Block. Prospective participants' contribution to the collaborative effort will include assistance in establishing the necessary interface functionality, connection and set-up capabilities and procedures, demonstration harnesses, environmental and safety conditions for use, integrated platform user instructions, and demonstration plans and scripts necessary to demonstrate the desired capabilities. Each participant will train NIST personnel, as necessary, to operate its product in capability demonstrations. Following successful demonstrations, NIST will publish a description of the security platform and its performance characteristics sufficient to permit other organizations to develop and deploy security platforms that meet the security objectives of the Trusted Geolocation in the Cloud Building Block. These descriptions will be public information.

Under the terms of the consortium CRADA, NIST will support development of interfaces among participants' products by providing IT infrastructure, laboratory facilities, office facilities, collaboration facilities, and staff support to component composition, security platform documentation, and demonstration activities. The dates of the demonstration of the Trusted Geolocation in the Cloud Building Block capability will be announced on the NCCoE Web site at least two weeks in advance at *http://nccoe.nist.gov/.* The expected outcome of the demonstration is to improve the trusted geolocation in the cloud within the enterprise. Participating organizations will gain from the knowledge that their products are interoperable with other participants' offerings. For additional information on the NCCoE governance, business processes, and NCCoE operational structure, visit the NCCoE Web site *http://nccoe.nist.gov/.*

Kevin Kimball,

Chief of Staff.

[FR Doc. 2017–09502 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Request for Participation on Developing Industrial Wireless Systems Best Practices Guidelines

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The Intelligent Systems Division of NIST is forming a technical working group (TWG) to develop best practices guidelines in selecting and deploying industrial wireless solutions within industrial environments such as process control and manufacturing. Guidelines will consider the entire wireless ecosystem within factories with emphasis on wireless networks operating on the factory floor. This includes factory/plant instrumentation, control systems, and back-haul networks. The guidelines will be technology and vendor agnostic and will address the current needs of industry to have independent guidelines based on user requirements and measurement science research.

DATES: Intention to participate must be received by 180 days after date of publication in the **Federal Register**.

ADDRESSES: Intention to participate may be submitted in one of two ways.

- By sending an email to *iwstwg@nist.gov.*
- By written request: National Institute of Standards and Technology ATTN: Richard Candell 100 Bureau Drive, Stop 8230 Gaithersburg, MD 20899–8615.

Please direct media inquiries to NIST's Office of Public Affairs at 301–975–2762.

SUPPLEMENTARY INFORMATION: More information on industrial wireless systems research may be found on the NIST home page for Industrial Wireless Systems at *https://www.nist.gov/programs-projects/wireless-systems-industrial-environments.*

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2017–09503 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Alaska Region Crab Permits.

OMB Control Number: 0648–0514.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 575.

Average Hours per Response: Annual application for Crab IFQ permit, application for Crab IPQ permit, application to become an eligible crab community organization (ECCO), 150 minutes each; application for an Annual Crab Harvesting Cooperative IFQ Permit, 15 hours; Right of first refusal (ROFR) contracts and waivers, 1 hour each; annual application for Crab Converted CPO QS and CPO IFQ and application for Registered Crab Receiver (RCR) Permit, BSAI Crab Rationalization Program Quota Share Beneficiary Designation Form, 30 minutes; application for Crab IFQ Hired Master Permit, 1 hour; application for Federal crab vessel permit (FCVP) 21 minutes each; application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer, application for transfer of crab IFQ, application for transfer of crab QS/IFQ to or from an ECCO, Application to transfer crab QS or PQS, application for Annual Exemption from Western Aleutian Islands Golden King Crab West Region Delivery Requirements, Community Impact Report or IPQ Holder Report (North or South Response Report), 2 hours each; ECCO Annual report and appeal of denial to NMFS decisions, 4 hours each; application for transfer of IFQ between crab harvesting cooperatives, electronic, 5 minutes, non-electronic, 2 hours; application to Transfer Crab IPQ, electronic, 1 hour; non-electronic, 2 hours; CDQ notification of community representative, 5 hours; application for exemption from CR Crab North or South Region Delivery Requirements and North or South Region Delivery Exemption Report, 20 hours each.

Burden Hours: 3,007.

Needs and Uses: This request is for extension of a currently approved information collection.

The king and Tanner crab fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands, Alaska, are managed under the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs (FMP). The North Pacific Fishery Management Council prepared the FMP under the Magnuson-Stevens Fishery Conservation and Management Act as amended in 2006. The National Marine Fisheries Service (NMFS) manages the crab fisheries in the waters off the coast of Alaska under the FMP. Regulations implementing the FMP and all amendments to the Crab Rationalization Program (CR Program) appear at 50 CFR part 680. Program details are found at: *http://www.alaskafisheries.noaa.gov/regs/680/default.htm.*

The CR Program balances the interests of several groups who depend on the crab fisheries. The CR Program addresses conservation and management issues associated with the previous derby fishery, reduces bycatch and associated discard mortality, and increases the safety of crab fishermen by ending the race for fish. Share allocations to harvesters and processors, together with incentives to participate in fishery cooperatives, increases efficiencies, provides economic stability, and facilitates compensated reduction of excess capacities in the harvesting and processing sectors. Community interests are protected by Western Alaska Community Development Quota allocations and regional landing and processing requirements, as well as by several community protection measures.

NMFS established the CR Program as a catch share program for nine crab fisheries in the BSAI, and assigned quota share (QS) to persons and processor quota share (PQS) to processors based on their historic participation in one or more of these nine crab fisheries during a specific period. The CR Program components include QS allocation, PQS allocation, individual fishing quota (IFQ) issuance, and individual processing quota (IPQ) issuance, quota transfers, use caps, crab harvesting cooperatives, protections for Gulf of Alaska groundfish fisheries, arbitration system, monitoring, economic data collection, and cost recovery fee collection.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: Annually and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: May 8, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–09569 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Day 8 to 10 Forecast Focus Groups, Interviews and Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 10, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Kate Quigley, (843) 327–1114 or *kate.quigley@ecs-federal.com.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new collection of information.

The objective of the web-based focus groups, phone interviews, and online survey is to collect information on the current use of NOAA's National Weather Service (NWS) Weather Prediction Center (WPC) products,

including probabilistic forecasts focusing on the 8 to 10 day timeframe, as well as forecast needs. The web-based focus groups and phone interviews will ask participants to explain their survey responses. This information will help create better 8 to 10 day weather forecast products used by the National Weather Service (NWS) to protect lives and property.

II. Method of Collection

The primary data collection vehicles will be internet-based surveys, web-based focus groups, and telephone interviews. Telephone interviews may be employed to supplement and verify survey responses.

III. Data

OMB Control Number: None.

Form Number(s): None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Members of the public.

Estimated Number of Respondents: 500–700 for the survey, 30 for the focus groups, and 20 for the phone interviews.

Estimated Time per Response: 30 minutes for the survey, 3–4 hours for the focus groups, and two hours for the phone interviews.

Estimated Total Annual Burden Hours: 350 hours for the survey, 120 hours for the focus groups, and 20 hours for the phone interviews.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 28, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–09518 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–KE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Cost Earnings Survey of Mariana Archipelago Small Boat Fleet.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 280.

Average Hours per Response: 45 minutes.

Burden Hours: 210.

Needs and Uses: This request is for a new information collection.

The National Marine Fisheries Service (NMFS) proposes to collect information about fishing expenses and catch distribution (the share of fish that is sold, retained for home consumption, directed to customary exchange, etc.) for the Mariana Archipelago small boat-based reef fish, bottomfish, and pelagics fisheries with which to conduct economic analyses that will improve fishery management in those fisheries; satisfy NMFS' legal mandates under Executive Order 12866, the Magnuson-Stevens Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act; and quantify achievement of the performances measures in the NMFS Strategic Operating Plans. Respondents will include small boat fishers in Mariana Archipelago (Guam and the Commonwealth of the Northern Mariana Islands) and their participation in the economic data collection will be voluntary. These data will be used to assess how fishermen will be impacted by and respond to regulations likely to be considered by fishery managers.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–09567 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Preliminary Case Study Assessing Economic Benefits of Marine Debris Reduction.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 13,864.

Average Hours per Response: Intercept survey, 4–10 minutes; mail survey, 10 minutes.

Burden Hours: 881.

Needs and Uses: This request is for a new information collection.

The National Ocean Service, Office of Response and Restoration, Marine Debris Program is sponsoring this data collection. The Marine Debris Program was created under the 2006 ''Marine Debris Research, Prevention, and Reduction Act'' (33 U.S.C. 1951 *et seq.*) which was reauthorized in 2012 as the ''Marine Debris Act Amendments of 2012'' (H.R. 1171) as part of the Coast Guard Maritime Transportation Act (H.R. 2838). Among other activities, the bill requires NOAA ''. . . to address the adverse impacts of marine debris on the United States economy . . .'' To that aim, the proposed data collection will support the goals of a larger study whose purpose is to develop a regional economic model to estimate the value to

local economies of increased spending on recreation and tourism from the reduction or elimination of marine debris on beaches in seven coastal communities of the continental U.S. The data collection will consist of on-site sampling to generate a pool of respondents who will be sent a mail survey that asks questions related to beach attributes, local beach familiarity, number of beach trips taken, and ratings of marine debris encountered while on these trips. Onsite sampling will involve intercepting people at several beaches in each study area and asking them to participate in a mail survey. For those willing to take the mail survey, a brief onsite interview will ask the respondent's name and mailing address, as well as several demographic questions such as age and education. Those who do not agree to participate in the mail survey will only be asked the demographic questions, whether they participated in a single or multi-day trip, and zip code. A mail-survey mode will be used for the follow-up questionnaire. The mail survey instrument will combine a selection of questions from a previously OMB-approved survey instrument used in Orange County, California with new contingent behavior questions developed specifically for this study to determine the impact of the presence of marine debris on respondents' recreation choices. This data collection will determine the impact of marine debris on survey respondents' recreation choices at these seven coastal communities and represents the first component to be undertaken as part of the larger study.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 20, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–09519 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Socioeconomic Evaluation of Lake Michigan in Support of Sanctuary Nomination

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 10, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Sarah Gonyo, 240–533–0382 or *sarah.gonyo@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Pursuant to the National Marine Sanctuaries Act and the Coastal Zone Management Act, this request is for a new data collection to benefit the National Oceanic and Atmospheric Administration (NOAA), Office of National Maine Sanctuaries (ONMS), and policy-makers on the state and local level in Wisconsin.

In 2015, NOAA announced its intent to designate a new national marine sanctuary off the western coast of Wisconsin in Lake Michigan, extending from Mequon to Two Rivers. The proposed sanctuary would focus on conserving maritime heritage resources, fostering partnerships with education and research partners, and increasing opportunities for tourism and economic development. The National Ocean Service (NOS) proposes to collect data on how residents use the region for recreation, sociocultural values residents place on the region, and economic values of the region for relevant recreational tourism. Respondents will be sampled from households in nine coastal cities and counties.

This research will support the sanctuary's long-term management plan, provide the foundation for monitoring changes over time, as well as provide baseline information to help inform local coastal zone management and planning to enhance access to Lake Michigan.

II. Method of Collection

The data collection will take place over a five to nine month period and will be comprised of a questionnaire to be completed by the respondent. The data will be collected via an internet survey instrument.

III. Data

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 4,200.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 2,100.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–09520 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Economic Value of the Research in the Olympic Coast and Stellwagen Bank National Marine Sanctuaries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 10, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dr. Danielle Schwarzmann 240–533–0706 *danielle.schwarzmann@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

NOAA is conducting research to: (1) Identify if the sanctuary helps to attract research or creates value-added to researchers; (2) estimate the economic impacts (jobs, income, output) supported by research that occurs in sanctuaries because of expenditures occurring within local region. Two sites, Olympic Coast National Marine Sanctuary (OCNMS) and Stellwagen Bank National Marine Sanctuary (SBNMS) will be evaluated. The information will aide in SBNMS and OCNMS condition reports. Further, the research will help to provide baseline data for economic impact and contribution of sanctuaries to local area economies.

The required information will involve surveys of researchers (from profit, non-profit and government agencies including local, state, federal and tribal). Information will be obtained on expenditures, sources of funds, non-market value, type of research, technologies used, use of NOAA equipment, reasons for the chosen location, and the researcher's involvement with sanctuary staff.

ONMS will work to identify all researchers who worked within the sanctuary within the past ten years. This will be the population of interest. Sanctuary site staff, literature reviews and the research permit database will be used to identify the population of researchers for each site.

II. Method of Collection

The survey will be implemented online, and paper versions will also be available.

III. Data

OMB Control Number: 0648–XXXX.

Form Number: None.

Type of Review: Regular submission (new information collection).

Affected Public: Individuals or households; business or other for-profit organizations; state, local or tribal governments.

Estimated Number of Respondents: 400.

Estimated Time per Response: 15–20 minutes for online or paper survey.

Estimated Total Annual Burden Hours: 133.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–09517 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: U.S.-Canada Albacore Treating Reporting System.

OMB Control Number: 0648–0492.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 135.

Average Hours per Response: 5 minutes for the request to be placed on the eligible list per year; 5 minutes for required vessel markings; 15 minutes for logbook entries; 10 minutes for each set of two hail reports for border crossings per year.

Burden Hours: 839.

Needs and Uses: The National Marine Fisheries Service (NMFS), West Coast Region, manages the United States (U.S.)-Canada Albacore Tuna Treaty of 1981 (Treaty). Owners of vessels that fish from U.S. West Coast ports for albacore tuna *(Thunnus alalunga)* are required to notify the NMFS West Coast Region of their desire to be on the list of vessels provided to Canada each year indicating vessels eligible to fish for albacore tuna in waters under the jurisdiction of Canada. Additionally, vessel operators are required to report in advance their intention to fish in Canadian waters prior to crossing the maritime border, as well as to mark their fishing vessels to facilitate enforcement of the effort limits under the Treaty. Vessel operators are also required to maintain and submit a logbook of all catch and fishing effort. The regulations implementing the reporting and vessel marking requirements under the Treaty are at 50 CFR part 300.172–300.176.

The estimated burden below includes hours to complete the logbook requirement, although it is assumed that most if not all of the respondents already complete the required logbook under the mandatory West Coast Highly Migratory Species Fishery Management Plan (HMS FMP), OMB Control No. 0648–0223. Duplicate reporting under the Treaty and HMS FMP is not required. Most years, there will be much

less fishing (and thus less reporting) under the Treaty than the level on which the estimate is based.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: May 8, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–09568 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Non-Economic Valuation of Subsistence Salmon in Alaska.

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 10, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Ruth Kelty, (301) 825–3940 or *ruth.kelty@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection. The National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS) and National Marine Fisheries Service's (NMFS) Alaska Fisheries Science Center propose to collect data on non-economic values related to subsistence salmon fishing and use in Alaska. Data is needed to support Natural Resource Damage Assessment (NRDA) and resource restoration analysis and activities. NRDA is a legal process to determine the type and amount of restoration needed to compensate the public for harm to natural resources and their human uses that occur as a result of an oil spill or other hazardous substance release. Through the NRDA process, NOAA and co-trustees identify the extent of natural resource injuries and the amount and type of restoration required to restore those resources to baseline conditions.

For this study, researchers have developed a survey instrument to quantify non-economic values, including (1) the value subsistence fishing adds to an individual or community's way of life, (2) the value of subsistence resources in cultural or religious practices, roles, language, knowledge and skill transfer, and (3) the value of the subsistence resources harvested. Alaska, with an abundance of natural and energy resources that are co-located with subsistence harvesting grounds, is a logical place for NOAA to develop assessment tools. This pilot project tests a set of survey questions for their ability to provide NOAA with adequate information to assess non-economic values of subsistence resource harvest that might be damaged by a hazardous substance release event. We focus on Alaska's subsistence salmon fishery because of its size, geographic range, and significance to multiple types of communities, families and individual commercial, recreational, and subsistence fishermen. We further focus on subsistence use of salmon because of its importance to rural residents and Alaska Natives who rely on natural resources for food, shelter, clothing, and the maintenance of cultural traditions, and other aspects of Alaskan Native life. The data collection is expected to take place between Summer 2017 and Spring 2018.

II. Method of Collection

Members of the research team will administer a questionnaire in person in an interview-style setting with each respondent.

III. Data

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 600.

Estimated Time Per Response: 45 minutes.

Estimated Total Annual Burden Hours: 450.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–09521 Filed 5–10–17; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Academic Research Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting. Correction.

SUMMARY: The CFPB published a document in the **Federal Register** of April 28, 2017, announcing the meeting of the Academic Research Council Meeting. The document contained incorrect times and did not contain language as required by the Federal Advisory Committee Act. The document also contained the incorrect RSVP inbox and the incorrect agenda availability date.

FOR FURTHER INFORMATION CONTACT: Emily Turner, Director's Financial

Analyst, 202–435–7730, *CFPB_AcademicResearchCouncil@cfpb.gov,* Academic Research Council, Office of Research, 1275 First Street NE., Washington, DC 20002.

Corrections

In the **Federal Register** of April 28, 2017, in 82 FR 19704, on page 19704, in the first column, correct the ''Summary'' section to read:

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Academic Research Council (ARC or Council) of the Consumer Financial Protection Bureau (Bureau). The notice also describes the functions of the Council.

In the **Federal Register** of April 28, 2017, in 82 FR 19704, on page 19704, in the first column, correct the ''Dates'' section to read:

DATES: The meeting date is Wednesday, May 17, 2017, 9:00 a.m. to 11:00 a.m. eastern standard time.

In the **Federal Register** of April 28, 2017, in 82 FR 19704, on page 19704, in the second column, correct the Background section to read:

I. Background

Section 1013(b)(1) of the Consumer Financial Protection Act, 12 U.S.C. 5493(b)(1), establishes the Office of Research (OR) and assigns to it the responsibility of researching, analyzing, and reporting on topics relating to the Bureau's mission, including developments in markets for consumer financial products and services, consumer awareness, and consumer behavior. The Academic Research Council is a consultative body comprised of scholars that help the Office of Research perform these responsibilities. Section 3 of the ARC Charter states:

The Council will provide the Bureau's Office of Research technical advice and feedback on research methodologies, data collection strategies, and methods of analysis. Additionally, the Council will provide both backward- and forward-looking feedback on the Office of Research's research work and will offer input into its research strategic planning process and research agenda.

In the **Federal Register** of April 28, 2017, in 82 FR 19704, on page 19704, in the third column, correct the Agenda section to read:

II. Agenda

The Academic Research Council will discuss methodology and direction for consumer finance research at the Bureau.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_AcademicResearchCouncil@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the ARC members for consideration. Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, l-855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to attend the Academic Research Council meeting must RSVP to *CFPB_AcademicResearchCouncil@cfpb.gov* by noon, May 16, 2017. Members of the public must RSVP by the due date and must include ''ARC'' in the subject line of the RSVP.

In the **Federal Register** of April 28, 2017, in 82 FR 19704, on page 19705, in the first column, correct the Availability section to read:

III. Availability

The Council's agenda will be made available to the public on May 2, 2017, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the CFPB's Web site *consumerfinance.gov.*

Dated: May 4, 2017.

Leandra English,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2017–09535 Filed 5–10–17; 8:45 am]

BILLING CODE 4810–AM–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled The Civic Engagement and Volunteering Supplement for review and approval in accordance with the Paperwork Reduction Act of 1995. Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Anthony Nerino, at 202–606–3913 or email to *anerino@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

DATES: Comments may be submitted, identified by the title of the information collection activity, within June 12, 2017.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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

A 60-day Notice requesting public comment was published in the **Federal Register** on February 8, 2017 at Vol. 82, No. 25, FR 9726–9727. This comment period ended April 10, 2017. No public comments were received from this Notice.

Description: This information collection will be used to generate civic health reports at the National, State, and Metropolitan Statistical Area (MSA) levels and to disseminate these data to various stakeholders including state and local government offices, researchers, students and civic groups for strategic planning, grant writing purposes and research.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Civic Engagement and Volunteering Supplement.

OMB Number: TBD.

Agency Number: None.

Affected Public: U.S. Residents 16 years of age and older.

Total Respondents: Approximately U.S. 90,000 residents.

Frequency: Bi-annually.

Average Time per Response: 5.26 minutes.

Estimated Total Burden Hours: 7,890 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: May 8, 2017.

Mary Hyde,

Director, Office of Evaluation and Research.

[FR Doc. 2017–09587 Filed 5–10–17; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity (NACIQI), Office of Postsecondary Education, U.S. Department of Education.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the agenda, time, and location for the June 20–22, 2017 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI), and provides information to members of the public regarding the meeting, including requesting to make oral comments. The notice of this meeting is required under § 10(a)(2) of the Federal Advisory Committee Act (FACA) and § 114(d)(1)(B) of the Higher Education Act (HEA) of 1965, as amended.

DATES: The NACIQI meeting will be held on June 20, 21, and 22, 2017, each day from 8:30 a.m. to 5:30 p.m.

ADDRESSES: Washington Plaza Hotel, 10 Thomas Circle NW., National Ballroom, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Jennifer Hong, Executive Director/Designated Federal Official, NACIQI, U.S. Department of Education, 400 Maryland Avenue SW., Room 6W250, Washington, DC 20202, telephone: (202) 453–7805, or email: *Jennifer.Hong@ed.gov.*

SUPPLEMENTARY INFORMATION:

NACIQI's Statutory Authority and Function: NACIQI is established under § 114 of the HEA. NACIQI advises the Secretary of Education with respect to:

- The establishment and enforcement of the standards of accrediting agencies or associations under subpart 2, part G, Title IV of the HEA, as amended.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV of the HEA and part C, subchapter I, chapter 34, Title 42, together with recommendations for improvement in such process.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary of Education may prescribe by regulation.

Meeting Agenda: Agenda items for the June 2017 are below.

Agencies Applying for Renewal of Recognition

1. *American Occupational Therapy Association, Accreditation Council for Occupational Therapy Education, Scope of Recognition:* The accreditation of occupational therapy educational programs offering the professional master's degree, combined baccalaureate/master's degree, and occupational therapy doctorate (OTD) degree; the accreditation of occupational therapy assistant programs offering the associate degree or a certificate; and the accreditation of these programs offered via distance education.

2. *Accreditation Council for Pharmacy Education, Scope of Recognition:* The accreditation and preaccreditation, within the United States, of professional degree programs in pharmacy leading to the degree of Doctor of Pharmacy, including those programs offered via distance education.

3. *Association for Clinical Pastoral Education, Inc., Scope of Recognition:* The accreditation of both clinical pastoral education (CPE) centers and Supervisory CPE programs located within the United States and territories.

4. *Association for Biblical Higher Education, Scope of Recognition:* The accreditation and preaccreditation (''Candidate for Accreditation''), at the undergraduate level, of institutions of biblical higher education in the United States offering both campus-based and distance education instructional programs.

5. *American Dental Association, Commission on Dental Accreditation, Scope of Recognition:* The accreditation of predoctoral dental education programs (leading to the D.D.S. or D.M.D. degree), advanced dental education programs, and allied dental education programs that are fully operational or have attained ''Initial Accreditation'' status, including programs offered via distance education.

6. *Commission on Collegiate Nursing Education, Scope of Recognition:* The accreditation of nursing education programs in the United States, at the baccalaureate, master's and doctoral degree levels, including programs offering distance education.

7. *Distance Education Accrediting Commission, Scope of Recognition:* The accreditation of postsecondary institutions in the United States that offer degree and/or non-degree programs primarily by the distance or correspondence education method up to and including the professional doctoral degree, including those institutions that are specifically certified by the agency as accredited for Title IV purposes.

8. *Middle States Commission on Secondary Schools, Scope of Recognition:* The accreditation of institutions with postsecondary, non-degree granting career and technology programs in Delaware, Maryland, New Jersey, New York, Pennsylvania, the Commonwealth of Puerto Rico, the District of Columbia, and the U.S. Virgin Islands, to include the accreditation of postsecondary, non-degree granting institutions that offer all or part of their educational programs via distance education modalities.

9. *Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), Scope of Recognition:* The accreditation and preaccreditation (''Candidate for Accreditation'') of degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, including the accreditation of programs offered via distance and correspondence education within these institutions. This recognition extends to the SACSCOC Board of Trustees and the Appeals Committee of the College Delegate Assembly on cases of initial candidacy or initial accreditation and for continued accreditation or candidacy.

Application for an Expansion of Scope

Commission on Collegiate Nursing Education, Scope of Recognition: The accreditation of nursing education programs in the United States, at the baccalaureate, master's and doctoral

degree levels, including programs offering distance education.

Requested Scope: The accreditation of nursing education programs in the United States, at the baccalaureate, master's, doctoral, and certificate levels, including programs offering distance education.

Application for Granting of Academic Graduate Degrees by Federal Agencies and Institutions

Pursuant to 10 U.S.C. 9314, NACIQI is the designated review committee for matters concerning degree-granting authority of military educational institutions as outlined in the U.S. Department of Defense Instruction 5545.04 (DoDI 5545.04) and the Federal Policy Governing the Granting of Academic Degrees by Federal Agencies and Institutions (approved by a letter, dated December 23, 1954, from the Director, Bureau of the Budget, to the Secretary for Health, Education, and Welfare). Under DoDI 5545.04, recommendations by the U.S. Secretary of Education regarding substantive change requests submitted by military educational institutions will be included with subsequent notification to the House and Senate Armed Services Committees.

1. *Air University (Air Command and Staff College):* Air University seeks to expand its educational offerings by offering a Master's degree in Airpower Strategy and Technology Integration.

2. *Army's Command and General Staff College:* Notification of name change for two degree programs currently approved and offered by the College. The proposal would change the MMAS (Theater Operations) to Master of Arts in Military Operations and the MMAS (Strategic Operations) to Master of Arts in Strategic Studies.

Panel on Student Unit Record Systems

Representatives from the Department and the research community will discuss successes and challenges in implementing state longitudinal student databases for purposes of tracking student progress and outcomes.

Accreditor Dashboards

NACIQI will continue its discussion of the accreditor dashboards and how to better incorporate data into its review of accrediting agencies.

Meeting Discussion

In addition to following the HEA, the FACA, implementing regulations, and the NACIQI charter, as well as its customary procedural protocols, NACIQI inquiries will include the questions and topics listed in the pilot plan it adopted at its December 2015 meeting. A document entitled ''June 2016 Pilot Plan'' and available at: *http://sites.ed.gov/naciqi/files/naciqi-dir/2016-spring/pilot-project-march-2016.pdf,* provides further explanation and context framing NACIQI's work. As noted in this document, NACIQI's reviews of accrediting agencies will include consideration of data and information available on the accreditation data dashboards, *https://sites.ed.gov/naciqi/files/2017/02/Accreditor-Dashboards-Feb-22-2017.pdf.* Accrediting agencies that will be reviewed for renewal of recognition will not be on the consent agenda and are advised to come prepared to answer questions related to the following:

- Decision activities of and data gathered by the agency.
  - NACIQI will inquire about the range of accreditation activities of the agency since its prior review for recognition, including discussion about the various favorable, monitoring, and adverse actions taken. Information about the primary standards cited for the monitoring and adverse actions that have been taken will be sought.
  - NACIQI will also inquire about what data the agency routinely gathers about the activities of the institutions it accredits and about how that data is used in their evaluative processes.
- Standards and practices with regard to student achievement.
  - How does your agency address ''success with respect to student achievement'' in the institutions it accredits?
  - Why was this strategy chosen? How is this appropriate in your context?
  - What are the student achievement challenges in the institutions accredited by your agency?
  - What has changed/is likely to change in the standards about student achievement for the institutions accredited by your agency?
  - In what ways have student achievement results been used for monitoring or adverse actions?
- Agency activities in improving program/institutional quality.
  - How does this agency define ''at risk?''
  - What tools does this agency use to evaluate ''at risk'' status?
  - What tools does this agency have to help ''at risk'' institutions improve?
  - What can the agency tell us about how well these tools for improvement have worked?

To the extent NACIQI's questions go to improvement of institutions and programs that are not at risk of falling into noncompliance with agency requirements, the responses will be used to inform NACIQI's general policy recommendations to the Department rather than its recommendations regarding recognition of any individual agency.

The discussions and issues described above are in addition to, rather than substituting for, exploration by Committee members of any topic relevant to recognition.

Submission of requests to make an oral comment regarding a specific accrediting agency or state approval agency under review, or an oral or written statement regarding other issues within the scope of NACIQI's authority: Opportunity to submit a written comment regarding a specific accrediting agency or state approval agency under review was solicited by a previous **Federal Register** notice published on February 13, 2017 (Vol. 82, No. 28). The comment period for submission of such comments closed on March 12, 2017. Written comments regarding a specific agency or state approval agency under review will not be accepted at this time. Members of the public may submit written statements regarding other issues within the scope of NACIQI authority for consideration by the Committee in the manner described below. No individual in attendance or making oral presentations may distribute written materials at the meeting. Oral comments may not exceed three minutes.

Oral comments about an agency's recognition after review of a compliance report must relate to issues identified in the compliance report and the criteria for recognition cited in the senior Department official's letter that requested the report, or in the Secretary's appeal decision, if any. Oral comments about an agency seeking expansion of scope must be directed to the agency's ability to serve as a recognized accrediting agency with respect to the kinds of institutions or programs requested to be added. Oral comments about the renewal of an agency's recognition based on a review of the agency's petition must relate to its compliance with the Criteria for the Recognition of Accrediting Agencies, or the Criteria and Procedures for Recognition of State Agencies for Approval of Nurse Education, as appropriate, which are available at *http://www.ed.gov/admins/finaid/accred/index.html.* Written statements concerning NACIQI's work outside of a specific accrediting agency under review, must be limited to the scope of NACIQI's authority as outlined under section 114 of the HEA.

There are two methods the public may use to request to make a third-party

oral comment of three minutes at the June 20–22, 2017 meeting. To submit a written statement to NACIQI concerning its work outside a specific accrediting agency under review, please follow Method One.

Method One: Submit a request by email to the *ThirdPartyComments@ed.gov* mailbox. Please do not send material directly to NACIQI members. Written statements and requests to make oral comment must be received by June 12, 2017, and include the subject line ''Oral Comment Request: (agency name),'' or ''Written Statement: (subject).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, telephone number, of the person(s) submitting a written statement or requesting to speak, and a brief summary (not to exceed one page) of the principal points to be made during the oral presentation, if applicable. All individuals submitting an advance request in accordance with this notice will be afforded an opportunity to speak.

Method Two: Register at the meeting location on June 20, 2017, from 7:30 a.m.–8:30 a.m., to make an oral comment during NACIQI's deliberations concerning a particular agency or institution scheduled for review. The requestor must provide his or her name, title, organization/affiliation, mailing address, email address, and telephone number. A total of up to fifteen minutes during each agency review will be allotted for oral commenters who register on June 20, 2017 by 8:30 a.m. Individuals will be selected on a first-come, first-served basis. If selected, each commenter may not exceed three minutes.

Access to Records of the Meeting: The Department will post the official report of the meeting on the NACIQI Web site within 90 days after the meeting. Pursuant to the FACA, the public may also inspect the materials at 400 Maryland Avenue SW., Washington, DC, by emailing *aslrecordsmanager@ed.gov* or by calling (202) 453–7110 to schedule an appointment.

Reasonable Accommodations: The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

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 Adobe 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.

Authority: 20 U.S.C. 1011c.

Lynn B. Mahaffie,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2017–09572 Filed 5–10–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0017]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Impact Study of Feedback for Teachers Based on Classroom Videos

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before June 12, 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–0017. 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 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Elizabeth Warner, 202–245–7744.

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: Impact Study of Feedback for Teachers Based on Classroom Videos.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 4,091.

Total Estimated Number of Annual Burden Hours: 1,359.

Abstract: The goal of this evaluation is to examine the impact of video-based observations and feedback on the classroom practices and student achievement of novice teachers (in their first year of teaching) and early career teachers (in their second through fourth years of teaching). This study, using a

random assignment design, provides an important test of whether intensive, individualized support for teachers improves their instructional practices and ultimately student achievement. By focusing on novice teachers, the study has the potential to inform both teacher induction policies and teacher preparation programs. Examining the impact of this intervention on novice and early career teachers can also inform the effectiveness of providing individualized feedback as a model for teacher professional development programs. The study includes 12 districts and approximately 500 teachers who will be participating in the study.

Dated: May 8, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–09552 Filed 5–10–17; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R07–OW–2017–0097; FRL–9960–75–Region 7]

Notice of Approval of Underground Injection Control Program; Occidental Chemical Corporation, Wichita, Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval of modification of existing no migration petition.

SUMMARY: Environmental Protection Agency (EPA) is hereby giving notice of approval of the modification of an existing no migration petition (petition) by Occidental Chemical Corporation (Occidental) under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act.

DATES: This action is effective June 12, 2017.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at Environmental Protection Agency, Region 7, Regional Records Center, 11201 Renner Boulevard, Lenexa, Kansas 66219.

FOR FURTHER INFORMATION CONTACT: Mary Tietjen Mindrup, Chief, Drinking Water Management Branch, EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, telephone (913) 551–7431, or email *mindrup.mary@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA is hereby giving notice of approval of the modification of an existing no migration petition (petition) for exemption from hazardous waste disposal restrictions of the Resource Conservation and Recovery Act Class I Hazardous Waste Injection for Occidental Chemical Corporation (Occidental) under the 1984 Hazardous and Solid Waste Amendments Occidental has adequately demonstrated to the satisfaction of EPA by the petition modification application and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous.

The existing petition allows for the subsurface disposal by Occidental of specific restricted wastes via Class I injection wells at Occidental's Wichita, Kansas facility and was approved by EPA with an effective date of October 24, 2008. In its modification application, Occidental requested that the existing petition include Well Number 11, a new well, as a replacement for Well Number 4, which was permanently plugged in 2008. This action results in no change to the volume of fluids to be injected.

This final decision allows the underground injection by Occidental of the specific restricted wastes identified in the modified petition into injection well Number 11 at the Wichita, Kansas facility until December 31, 2020, unless EPA moves to terminate this exemption. Included in this approval is the stipulation that Occidental acquires and continues to maintain an approved permit from the Kansas Department of Health and Environment.

A public notice concerning the Agency's proposed action was issued on December 12, 2016, and the public comment period closed on January 25, 2017. In addition to soliciting written comments regarding the Agency's proposed approval, EPA conducted a public availability session and a formal public hearing on January 11, 2017, at the Haysville Learning Center in Haysville, Kansas. No comments were received during the comment period. This decision constitutes a final Agency action. There is no further administrative process to appeal this decision.

Dated: March 20, 2017.

Edward H. Chu,

Acting Regional Administrator, Region 7.

[FR Doc. 2017–09591 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9961–51–Region 10]

Public Water Supply Supervision Program; Program Revision for the State of Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Idaho has revised its approved State Public Water Supply Supervision Primacy Program. Idaho has adopted regulations analogous to the Environmental Protection Agency's Revised Total Coliform Rule. The Environmental Protection Agency (EPA) has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these State program revisions. By approving these rules, EPA does not intend to affect the rights of federally recognized Indian tribes nor does it intend to limit existing rights of the State of Idaho.

DATES: All interested parties may request a public hearing. A request for a public hearing must be submitted by June 12, 2017 to the Acting Regional Administrator at the EPA address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Acting Regional Administrator. However, if a substantial request for a public hearing is made by June 12, 2017, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Acting Regional Administrator does not elect to hold a hearing on her own motion, this determination shall become final and effective on June 12, 2017. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Acting Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, at the Idaho Department of Environmental Quality, Drinking Water

Program, 1410 North Hilton, Boise, Idaho 83706 and between the hours of 9:00 a.m. to 12:00 p.m. and 1:00 to 4:00 p.m. at the EPA Region 10 Library, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the documents which explain the rule can also be obtained at EPA's Web site at: *https://www.federalregister.gov/articles/2013/02/13/2012-31205/national-primary-drinking-water-regulations-revisions-to-the-total-coliform-rule* and *https://www.federalregister.gov/articles/2014/02/26/2014-04173/national-primary-drinking-water-regulations-minor-corrections-to-the-revisions-to-the-total-coliform,* or by writing or calling Ricardi Duvil, Ph.D. at the address below.

FOR FURTHER INFORMATION CONTACT: Ricardi Duvil, Ph.D., EPA Region 10, Drinking Water Unit, 1200 Sixth Avenue, Suite 900, OWW–193, Seattle, Washington 98101, telephone (206) 553–2578, email at *duvil.ricardi@epa.gov.*

SUPPLEMENTARY INFORMATION:

Authority: Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: April 3, 2017.

Daniel D. Opalski,

Acting Deputy Regional Administrator, Region 10.

[FR Doc. 2017–09537 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–9959–94]

Access to Confidential Business Information by Artic Slope Mission Services, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Artic Slope Mission Services, LLC (ASMS) of Beltsville, MD, to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data occurred on or about February 13, 2017.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Scott M. Sherlock, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8257; email address: *sherlock.scott@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. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by 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–2003–0004 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?

Under EPA contract number EP–W–17–011, order number 0021, contractor ASMS of 7000 Muirkirk Meadows Drive, Suite 100, Beltsville, MD is assisting the Office of Pollution Prevention and Toxics (OPPT) in managing the Confidential Business Information Center (CBIC), which is the centralized point of contact for TSCA CBI records and services as the repository for these records. ASMS is also receiving, entering data, copying, tracking and distributing records in accordance with the TSCA Security Manual.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number EP–W–17–011, order number 0021, ASMS required access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ASMS personnel were given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA has provided ASMS access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract is taking place at EPA Headquarters in accordance with EPA's *TSCA CBI Protection Manual.*

Access to TSCA data, including CBI, will continue until February 14, 2022. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

ASMS personnel were required to sign nondisclosure agreements and were briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Authority: 15 U.S.C. 2601 et seq.

Dated: March 6, 2017.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–09557 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–9959–88]

Access to Confidential Business Information by Versar, Inc. and Its Identified Subcontractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor and subcontractors, Versar, Inc. of Springfield, VA; Abt Associates of Bethesda, MD; Brown Glove Consulting Group of Fairfax, VA; EnDyna, Inc. of McLean, VA; Essential Software, Inc. of Potomac, MD; Syracuse Research Corporation of North Syracuse, NY; and Wilkes Technologies, Inc. of Bethesda, MD, to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data occurred on or about February 15, 2017.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Scott M. Sherlock, Environmental Assistance

Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8257; email address: *sherlock.scott@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. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by 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–2003–0004 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?

Under EPA contract number EP–W–17–006, contractor and subcontractors Versar, Inc. of 6850 Versar Center, Springfield, VA; Abt Associates of 4550 Montgomery Avenue, Suite 800 North, Bethesda, MD; Brown Glove Consulting Group of 4618 Carisbrooke Lane, Fairfax, VA; EnDyna, Inc. of 7926 Jones Branch Drive, Suite 620, McLean, VA; Essential Software Inc. of 9024 Mistwood Drive, Potomac, MD; Syracuse Research Corporation of 7502 Round Pond Road, North Syracuse, NY; and Wilkes Technologies, Inc. of 10126 Parkwood Terrace, Bethesda, MD are assisting the Office of Pollution Prevention and Toxics (OPPT) in preparing assessments of EPA's new and existing chemical review programs. They will also review TSCA CBI environmental data submitted to EPA.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number EP–W–17–006, Versar and its subcontractors required access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. Versar and its subcontractors' personnel were given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA has provided Verar and its subcontractors access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract is taking place at EPA Headquarters and Versar's site located in Springfield, Virginia, in accordance with EPA's *TSCA CBI Protection Manual.*

Access to TSCA data, including CBI, will continue until November 3, 2021. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

Versar and its subcontractors' personnel have signed nondisclosure agreements and were briefed on appropriate security procedures before they were permitted access to TSCA CBI.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: March 6, 2017.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–09560 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–9959–56]

Access to Confidential Business Information by Eastern Research Group, Inc. and Its Identified Subcontractors, Avanti Corporation and BeakerTree Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractors and subcontractors, Eastern Research Group Inc (ERG) of Lexington, MA; Avanti Corporation of Alexandria, VA; and BeakerTree Corporation of Fairfax, VA, access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data occurred on or about January 3, 2017.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Scott M. Sherlock, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8257; fax number: (202) 564–8251; email address: s*herlock.scott@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. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by 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–2003–0004 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?

Under EPA contract number EP–W–17–005, contractors and subcontractors ERG of 110 Hartwell Ave, Suite 1, Lexington, MA; Avanti of 6621 Richmond Highway, Suite 200, Alexandria, VA; and BeakerTree of 13402 Birch Bark Court, Fairfax, VA are

assisting the Office of Pollution Prevention and Toxics (OPPT) in preparing assessments for EPA's new and existing chemical review programs. They will also assist in reviewing TSCA CBI environmental data submitted by EPA.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number EP–W–17–005, ERG, Avanti and BeakerTree required access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ERG, Avanti and BeakerTree personnel were given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA has provided ERG, Avanti and BeakerTree access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract is taking place at EPA Headquarters and ERG's site located at 14555 Avion Parkway, Suite 200, Chantilly, VA, in accordance with EPA's *TSCA CBI Protection Manual.*

Access to TSCA data, including CBI, will continue until November 3, 2021. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

ERG, Avanti and BeakerTree personnel were required to sign nondisclosure agreements and were briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: March 6, 2017.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–09555 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Regional Docket No. II–2016–02; FRL–9958–76–Region 2]

Petition for Objection to State Operating Permit; NY; Seneca Energy II, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to Clean Air Act (CAA) section 505(b)(2) and Agency regulations, the Environmental Protection Agency (EPA) Administrator signed an Order, dated December 9, 2016, denying a petition filed by the Concerned Citizens of Seneca County, Inc. (September 9, 2013) asking the EPA to object to the Title V operating permit issued by the New York State Department of Environmental Conservation (DEC) to Seneca Energy II, LLC for the Seneca Energy Landfill Gas-to-Energy facility (Energy Facility) located in Seneca Falls, Seneca County, New York; (Permit No. 8–4532–00075–00029). Sections 307(b) and 505(b)(2) of the CAA provide that the petitioner may ask for judicial review by the United States Court of Appeals for the appropriate circuit of those portions of the Order that deny objections raised in the petition.

DATES: Any such petition for review of this Order must be received by July 10, 2017 pursuant to section 307(b) of the CAA.

ADDRESSES: You may review copies of the final Order, the petition, and other supporting information during normal business hours at EPA Region 2, 290 Broadway, New York, New York. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final Order is available electronically at: *https://www.epa.gov/sites/production/files/2016-12/documents/seneca_meadows_response2013_0.pdf.*

FOR FURTHER INFORMATION CONTACT: Suilin Chan, Chief, Permitting Section, Air Programs Branch, Clean Air and Sustainability Division, EPA, Region 2, 290 Broadway, 25th Floor, New York, New York 10007, telephone (212) 637–4019, email address: *chan.suilin@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords the EPA a 45-day period to review, and object to, as appropriate, a Title V operating permit proposed by a state permitting authority. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a Title V operating permit if the EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or that the grounds for the objection or other issues arose after this period. The claims are described in detail in Section IV of the Order. In summary, the issues raised are that: (1) The Seneca Meadows Landfill and the Energy Facility together constitute a single major stationary source of emissions; and (2) the Energy Facility's Title V permit is a ''sham permit.'' The EPA's rationale for denying the claims raised in the petition are described in the Order.

Dated: March 15, 2017.

Catherine R. McCabe,

Acting Regional Administrator, Region 2.

[FR Doc. 2017–09509 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9961–94]

Receipt of Information Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of information submitted pursuant to a rule, order, or consent agreement issued under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which information has been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the information received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* John Schaeffer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8173; email address: *schaeffer.john@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. Chemical Substances and/or Mixtures

Information received about the following chemical substance and/or mixture is provided in Unit IV.: *2-Butenedioic acid (2E)-, di-C8-18-alkyl esters* (*CASRN 68610–90–2*).

II. Authority

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting

the receipt of information submitted pursuant to a rule, order, or consent agreement promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677, has been established for this **Federal Register** document, which announces the receipt of the information. Upon EPA's completion of its quality assurance review, the information received will be added to the docket identified in Unit IV., which represents the docket used for the TSCA section 4 rule, order, and/or consent agreement. In addition, once completed, EPA reviews of the information received will be added to the same docket. Use the docket ID number provided in Unit IV. to access the information received and any available EPA review.

EPA's dockets are available electronically at *http://www.regulations.gov* or in person 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.*

IV. Information Received

As specified by TSCA section 4(d), this unit identifies the information received by EPA.

A. 2-Butenedioic acid (2E)-, di-C8-18-alkyl esters (CASRN 68610–90–2).

1. *Chemical Use:* Industrial manufacturing lubricant.

2. *Applicable Rule, Order, or Consent Agreement:* Chemical testing requirements for third group of high production volume chemicals (HPV3), 40 CFR 799.5089.

3. *Information Received:* The following listing describes the nature of the information received. The information will be added to the docket for the applicable TSCA section 4 rule, order, or consent agreement and can be found by referencing the docket ID number provided. EPA reviews of information will be added to the same docket upon completion.

B. Water Solubility Analytical Report. The docket ID number assigned to this information is EPA–HQ–OPPT–2009–0112.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: April 26, 2017.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–09561 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–9961–33]

Access to Confidential Business Information by Artic Slope Mission Services, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Artic Slope Mission Services, LLC (ASMS) of Beltsville, MD, to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data occurred on or about March 20, 2017.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Scott M. Sherlock, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8257; email address: s*herlock.scott@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. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by 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–2003–0004 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?

Under EPA contract number EP–W–17–011, order number 0046, contractor Artic Slope Mission Services (ASMS) of 7000 Muirkirk Meadows Drive, Suite 100, Beltsville, MD is assisting the Office of Pollution Prevention and Toxics (OPPT) in managing the Non-Confidential Business Information Center (NCIC). They will also provide current and historical reports on all TSCA non-CBI submissions received in compliance with TSCA; organize, distribute and prepare records for permanent storage; and handle all docket-related records for OPPT, in accordance with the TSCA Security Manual.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number EP–W–17–011, order number 0046, ASMS required access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ASMS personnel were given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA has provided ASMS access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract is taking place at EPA Headquarters in accordance with EPA's *TSCA CBI Protection Manual.*

Access to TSCA data, including CBI, will continue until February 14, 2022. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

ASMS personnel were required to sign nondisclosure agreements and were briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: April 20, 2017.

Pamela S. Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–09556 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R06–OW–2017–0217; FRL–9961–96–Region 6]

Notice of Proposed NPDES General Permit; Proposed NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Water Division Director of Region 6 today proposes to reissue the National Pollutant Discharge Elimination System (NPDES) General Permit No. GMG290000 for existing and new sources and new dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category, located in and discharging to the Outer Continental Shelf offshore of Louisiana and Texas. The discharge of produced water to that portion of the Outer Continental Shelf from Offshore Subcategory facilities located in the territorial seas of Louisiana and Texas is also authorized by this permit.

This draft permit proposes to retain, with certain modifications, the limitations and conditions of the existing 2012 issued permit (2012 permit). The 2012 permit limitations conform with the Oil and Gas Offshore Subcategory Guidelines and contain additional requirements to assess impacts from the discharge of produced water to the marine environment, as required by section 403(c) of the Clean Water Act.

DATES: Comments must be received by July 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OW–2017–0217 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. Email: *rosborough.evelyn@epa.gov.*

A complete draft permit and a fact sheet more fully explaining the proposal may be obtained online from the *Federal eRulemaking Portal* by 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.

PUBLIC HEARING: Public meetings and hearings on the proposed permit will be held during the comment period. EPA will publish public hearing times and places in the following newspapers: Houston Chronicle and New Orleans Advocate. The meetings will include a presentation on the proposed permit followed by the opportunity for questions and answers. The public hearings will be held in accordance with the requirements of 40 CFR 124.12. At the public hearing, any person may submit oral or written statements and data concerning the proposed permit. Any person who cannot attend one of the public hearings may still submit written comments, which have the same weight as comments made at the public hearing, through the end of the public comment period.

Public meeting and hearing times and places could be found online from the *Federal eRulemaking Portal: http://www.regulations.gov* with Docket ID No. listed above.

SUPPLEMENTARY INFORMATION:

Other statutory and regulatory requirements are discussed in the fact sheet that include: Oil Spill Requirement; Ocean Discharge Criteria Evaluation; Marine Protection, Research, and Sanctuaries Act; National Environmental Policy Act; Magnuson-Stevens Fisheries Conservation and Management Act; Endangered Species Act; State Water Quality Standards and State Certification; Coastal Zone Management Act; Paperwork Reduction Act; and Regulatory Flexibility Act.

Dated: April 7, 2017.

David F. Garcia,

Deputy Director, Water Division.

[FR Doc. 2017–09508 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9960–60–ORD]

Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Equivalent Method

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of the designation of a new equivalent method for monitoring ambient air quality.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has designated, in accordance with applicable Federal regulations, one new equivalent method for measuring concentrations of nitrogen dioxide (NO_2) in ambient air.

FOR FURTHER INFORMATION CONTACT: Robert Vanderpool, Exposure Methods and Measurement Division (MD–D205–03), National Exposure Research Laboratory, U.S. EPA, Research Triangle Park, North Carolina 27711. Email: *Vanderpool.Robert@epa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with regulations at 40 CFR part 53, the EPA evaluates various methods for monitoring the concentrations of those ambient air pollutants for which EPA has established National Ambient Air Quality Standards (NAAQSs) as set forth in 40 CFR part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by the EPA as either reference or equivalent methods (as applicable), thereby permitting their use under 40 CFR part 58 by States and other agencies for determining

compliance with the NAAQSs. A list of all reference or equivalent methods that have been previously designated by EPA may be found at *http://www.epa.gov/ttn/amtic/criteria.html.*

The EPA hereby announces the designation of one new equivalent method for measuring concentrations of NO_2 in ambient air. This designation is made under the provisions of 40 CFR part 53, as amended on October 26, 2015 (80 FR 65291–65468).

The new equivalent method for NO_2 is an automated method (analyzer) and is identified as follows:

EQNA–0217–243, ''2B Technologies, Model 405 nm NO_2/NO/NO_X Monitor,'' operated in a range of 0–500 ppb, operated at temperatures between 20 °C and 30 °C, with temperature and pressure compensation, with internal DewLine for humidity control, with averaging times from 5 seconds to 1 hour, with a 110–220V AC power adapter or a 12V DC source, operated in accordance with the instrument manual, and with or without the following: Auto zeroing, external PTFE inlet filter and holder, cigarette lighter adapter or a 12V DC battery for portable operation, serial data communication, 0–2.5V or scalable analog output, external communication and monitoring interfaces, internal data logger, removable memory device for data recording and backup.

An application for the equivalent method determination for this candidate method was received by the EPA on January 23, 2017. This analyzer is commercially available from the applicant, 2B Technologies, 2100 Central Ave., Suite 105, Boulder, CO 80301.

Representative test analyzers have been tested in accordance with the applicable test procedures specified in 40 CFR part 53, as amended on October 26, 2015. After reviewing the results of those tests and other information submitted by the applicants in the respective applications, EPA has determined, in accordance with Part 53, that this method should be designated as a reference method or equivalent method, as appropriate.

As a designated equivalent method, this method is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (*e.g.,* configuration or operational settings) specified in the designated method description (see the identification of the method above).

Use of the method also should be in general accordance with the guidance and recommendations of applicable sections of the ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I,'' EPA/600/R–94/038a and ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program,'' EPA–454/B–13–003, (both available at *http://www.epa.gov/ttn/amtic/qalist.html*). Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR part 58.

Consistent or repeated noncompliance with any of these conditions should be reported to: Director, Exposure Methods and Measurement Division (MD–E205–01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this new equivalent method is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

Dated: March 6, 2017.

Jennifer Orme-Zavaleta,

Director, National Exposure Research Laboratory.

[FR Doc. 2017–09534 Filed 5–10–17; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0699; FRL–9960–31]

Certain New Chemicals; Receipt and Status Information for February 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from February 1, 2017 to February 28, 2017.

DATES: Comments identified by the specific case number provided in this document, must be received on or before June 12, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0699, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Jim Rahai, IMD 7407M, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@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 actions addressed in this document.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or

CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This document provides receipt and status reports, which cover the period from February 1, 2017 to February 28, 2017, and consists of the PMNs and TMEs both pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the Agency's authority for taking this action?

Under TSCA, 15 U.S.C. 2601 *et seq.,* EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory, please go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.*

Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic reports on the status of new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

For the 62 PMNs received by EPA during this period, Table 1 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the PMN; The date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer/importer; the potential uses identified by the manufacturer/importer in the PMN; and the chemical identity.

TABLE 1—PMNS RECEIVED FROM FEBRUARY 1, 2017 TO FEBRUARY 28, 2017

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–17–0227	2/1/2017	5/2/2017	CBI	(G) Additive open, non-dispersive use.	(G) 2-alkenoic acid, 2-alkyl-, alkyl ester, polymer with 2-alkyl 2-propenoate and a-(2-alkyl-1-oxo-2-alken-1-yl-¿-alkoxypoly(oxy-1,2-alkanediyl), ester with a-2-alken-1-yl-¿-hydroxypoly(oxy-1,2-alkanediyl).
P–16–0186	2/6/2017	5/7/2017	CBI	(G) Surfactant	(G) Sodium branched chain alkyl hydroxyl and branched chain alkenyl sulfonates.
P–16–0338	2/15/2017	5/16/2017	CBI	(G) Dyestuff	(G) Xanthylium, (sulfoaryl)—bis [(substituted aryl) amino]-, sulfo derivs., inner salts, metal salts.
P–16–0339	2/15/2017	5/16/2017	CBI	(G) Dyestuff	(G) Substituted triazinyl metal salt, diazotized, coupled with substituted pyridobenzimidazolesulfonic acids, substituted pyridobenzimidazolesulfonic acids, diazotized substituted alkanesulfonic acid, diazotized substituted aromatic sulfonate, diazotized substituted aromatic sulfonate, metal salts.
P–16–0358	2/17/2017	5/18/2017	CBI	(S) Chemical intermediate	(G) Alkyl phenol.
P–16–0439	2/14/2017	5/15/2017	CBI	(G) Coloring agent	(G) Carbon black, (organic acidic carbocyclic)-modified, inorganic salt.
P–16–0440	2/14/2017	5/15/2017	CBI	(G) Coloring agent	(G) Carbon black, (organic acidic carbocyclic)-modified, metal salt.
P–16–0513	2/3/2017	5/4/2017	CBI	(S) Intermediate for further reaction.	(G) Hydroxy alkylbiphenyl.
P–16–0514	2/28/2017	5/29/2017	CBI	(G) Catalyst	(G) Mixed metal oxide.
P–16–0543	2/23/2017	5/24/2017	CBI	(G) Battery ingredient	(G) Halogenophosphoric acid metal salt.
P–16–0544	2/6/2017	5/7/2017	Guardian Industries Corp.	(S) Additive to influence melting temperature of raw materials and physical characteristics of the final product during the manufacture of flat glass.	(S) Flue dust, glass-manufg. desulfurization, calcium hydroxide-treateddefinition: the dust produced form the flue gas exhaust cleaning of a glass manufacturing process followed by treatment with hydrated lime. it consists primarily of caso4 and ca(co3).
P–16–0570	2/10/2017	5/11/2017	CBI	(S) Aromatic polyester polyol for rigid foam.	(G) Aromatic polyester polyol.
P–16–0593	2/24/2017	5/25/2017	CBI	(S) Aromatic polyester polyol for rigid foam.	(G) Aromatic polyester polyol.
P–16–0595	2/23/2017	5/24/2017	CBI	(G) Polymer	(G) Substituted-(hydroxyalkyl)-alkyl-alkanoic acid, hydroxy-(substitutedalkyl)-alkyl-, polymer with alpha-hydro-omega-hydroxypoly[oxy(alkyl-ethanediyl)] and isocyanato-(isocyanatoalkyl)-multialkylcycloalkane, salt, alkanol-blocked, compds.

TABLE 1—PMNs RECEIVED FROM FEBRUARY 1, 2017 TO FEBRUARY 28, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–16–0599	2/23/2017	5/24/2017	CBI	(G) Binder resinopen non-dispersive use.	(G) Benzoic acid, 4-[(4-ethenylphenyl)alkoxy]-2-hydroxy-, polymer with ethenylbenzene and octadecyl 2-methyl-2-propenoate.
P–17–0014	2/10/2017	5/11/2017	Santolubes Manufacturing Llc.	(G) Gear lubricant	(S) Fatty acids, c8–c10, mixed esters with c18-unsatd. fatty acid dimers and alpha-hydro-omega-hydroxypoly(oxy-1,4-butanediyl).
P–17–0028	2/14/2017	5/15/2017	Henkel Corporation	(G) Component in a epoxy encapsulant.	(S) Fatty acid, castor oil, reaction products with epichlorohydrin.
P–17–0117	2/14/2017	5/15/2017	CBI	(G) Use as a polyol for polyurethane manufacture. reaction of the new substance with a diisocyanate or Polyisocyanate And other polyols will produce a higher mw polymer.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, 2-hydroxypropyl-terminated.
P–17–0117	2/14/2017	5/15/2017	CBI	(S) Used as a feedstock for hydrogenation to produce a saturated diol for use in urethane chemistry or as an additive in coatings adhesives or sealants.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, 2-hydroxypropyl-terminated.
P–17–0118	2/14/2017	5/15/2017	CBI	(S) Used as a feedstock for hydrogenation to produce a saturated diol for use in urethane chemistry or as an additive in coatings, adhesives or sealants.. (G) Use as a polyol for polyurethane manufacture. reaction of the new substance with a diisocyanate or polyisocyanate and other polyols will produce a higher mw polymer.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, 2-hydroxyethyl-terminated.
P–17–0149	2/6/2017	5/7/2017	CBI	(G) Electronic use (G) Electronic device use	(G) Fluorocyanophenyl alkylbenzoate.
P–17–0168	2/7/2017	5/8/2017	CBI	(G) Surfactants (G) Intermediate	(G) Fatty secondary amide ethanol.
P–17–0169	2/7/2017	5/8/2017	CBI	(G) Surfactants (G) Intermediate	(G) Fatty tertiary amide ethanol.
P–17–0172	2/14/2017	5/15/2017	CBI	(G) Lubricating oil additive	(G) Sulfurized alkylphenol, calcium salts.
P–17–0176	2/6/2017	5/7/2017	CBI	(G) Battery ingredient	(G) Carbonic acid, alkyl carbomonocyclic ester.
P–17–0177	2/25/2017	5/26/2017	Shin-Etsu Microsi	(G) Microlithography for electronic device manufacturing.	(G) Monoheteropentacycloalkane-4-carboxylic acid, substituted-cycloalkyl ester.
P–17–0178	2/25/2017	5/26/2017	Shin-Etsu Microsi	(G) Microlithography for electronic device manufacturing.	(G) Sulfonium, triphenyl-, salt with substituted-alkyl 4-substituted-benzoate.
P–17–0188	2/14/2017	5/15/2017	CBI	(G) Binder resin for adhesives/sealants.	(G) Alpha-omega, silane-terminated, polyether polyol based polyurethane polymer.
P–17–0189	2/8/2017	5/9/2017	Double Bond Chemical Industries Usa, Inc.	(S) Doublemer®278–X25 is a ester acrylate monomer blended with 25% isobornyl methacrylate, which improves adhesion to substrates, such as pp and pe, pet.	(G) Polyhalogenatedbicycloalkenedicarboxylic acid, methyl[oxyalkenyl)]ethyl ester.
P–17–0199	2/3/2017	5/4/2017	CBI	(S) Binder in sealant	(G) Oxyalkylene urethane polyolefin.
P–17–0208	2/5/2017	5/6/2017	Alberdingk Boley Inc.	(S) Coating for leather and plastic. (S) Coating for plastics and metal.	(G) Alkanoic acid, hydroxy(hydroxymethyl)-alkyl-, polymer with diisocyanatoalkane, dialkyl carbonate, aldanediol, .alpha.-hydro-.omega.-hydroxypoly(oxyalkanediyl), 1,1′-alkylenebis[isocyanatocycloalkane] and a lactone.
P–17–0209	2/5/2017	5/6/2017	Alberdingk Boley Inc.	(S) Coating for plastic and metal. (S) Coating for leather and plastic.	(G) Alkanoic acid, x-hydroxy-y-(hydroxyalkyl)-y-alkyl-, polymer with dialkyl carbonate, alkanediol, alkylenebis [isocyanatocycloalkane] and lactone, compd. with trialkyl amine.
P–17–0210	2/5/2017	5/6/2017	Alberdingk Boley Inc.	(S) Coating for plastics and metal. (S) Coating for leather and plastic.	(G) Alkanoic acid, x-hydroxy-y-(hydroxyalkyl)-x-alkyl-, polymer with dialkyl carbonate, alkanediol, isocyanato-1-(isocyanatoalkyl)-trialkylcycloalkane, alkylenebis[isocyanatocycloalkane] and lactone, polyethylene glycon mono me ether-blocked, compds. with trialkyl amine.
P–17–0211	2/5/2017	5/6/2017	Alberdingk Boley Inc.	(S) Coating for leather and plastic. (S) Coating for plastics and metal.	(G) Alkanoic acid, x-hydroxy-y-(hydroxyalkyl)-y-alkyl-, polymer with dialkyl carbonate, alkanediol, alkylenebis[iscyanatocycloalkane] and lactone, compd. with trialkylamine.
P–17–0216	2/28/2017	5/29/2017	CBI	(G) Paint raw material	(G) Acryl-modified epoxy polymer with vegitable oil, fatty acid, acrylates and methacyrlates with organic amine.

TABLE 1—PMNs RECEIVED FROM FEBRUARY 1, 2017 TO FEBRUARY 28, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–17–0217	2/14/2017	5/15/2017	Ngk Ceramics Usa, Inc.	(S) Additive to diesel particulate filter manufacture. this material is added to the clay prior to forming into a substrate. when the substrate is fired in a kiln, the material burns out, leaving internal pores. these pores collect the emission soot during the operation of the dpf after being installed on the vehicle.	(S) Coke, (coal), secondary pitch.
P–17–0226	2/2/2017	5/3/2017	Nease Corporation	(G) Bleach catalyst	(S) Manganese(2+), bis(octahydro-1,4,7-trimethyl-1h-1,4,7-triazonine-¿n1,¿n4,.kappa.n7)tri-μ-oxodi-,hexafluorophosphate(1-) (1:2).
P–17–0228	2/2/2017	5/3/2017	CBI	(G) Coating for displays	(G) 2′-fluoro-4″-alkyl-4-propyl-1,1′:4′,1″-terphenyl.
P–17–0229	2/2/2017	5/3/2017	CBI	(G) Coating for displays	(G) 4-ethyl-2′-fluoro-4″-alkyl-1,1′:4′,1″-terphenyl.
P–17–0230	2/3/2017	5/4/2017	CBI	(G) Additive, open, non-dispersive use.	(G) Oxirane, 2-alkyl-, polymer with oxirane, mono[n-[3-(carboxyamino)-4(or 6)-alkylphenyl]carbamate], alkyl ether, ester with 2,2',2''-nitrilotris-[alkanol].
P–17–0231	2/6/2017	5/7/2017	CBI	(G) Paint, stain or primer coating.	(G) Fatty acids, polymers with benzoic acid, cyclohexanedicarboxylic acid anhydride, aliphatic diisocyanate, alkyl diol, alkyl triol, pentaerythritol, phthalic anhydride, polyalkylene glycol amine, and aromatic dicarboxylate sulphonic acid sodium salt.
P–17–0233	2/10/2017	5/11/2017	CBI	(S) Creping aid for yankee dryers to manufacture tissue and towel paper.	(G) Oxyalkylene modified polyalkyl amine alkyl diacid polymer with 2-(chloromethyl)oxirane.
P–17–0234	2/12/2017	5/13/2017	CBI	(S) Adhesive intermediate	(S) Oxirane, 2-(chloromethyl)-, polymer with 2-methyloxirane polymer with oxirane bis(2-aminopropyl) ether.
P–17–0235	2/10/2017	5/11/2017	CBI	(G) Anti-agglomerate	(G) Amidoamino quaternary ammonium salt.
P–17–0236	2/23/2017	5/24/2017	CBI	(G) Matrix resin for composite materials. (G) Binder resin for electronic materials.	(G) Formaldehyde, polymer with (chloromethyl) oxirane and substituted aromatic compounds.
P–17–0237	2/23/2017	5/24/2017	CBI	(S) Loca (see description for the primary diol). due to its lower reactivity, very little of the hydrogenated secondary diol will be made or sold for this use. the uses would be identical to the use of the hydrogenated primary diol. (G) Export overseas for use in polyurethanes. (G) Use in uv cured systems	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, hydrogenated, 2-hydroxyethyl-terminated.
P–17–0238	2/23/2017	5/24/2017	CBI	(S) Loca (see description for the primary diol). due to its lower reactivity, very little of the hydrogenated secondary diol will be made or sold for this use. the uses would be identical to the use of the hydrogenated primary diol. (G) For use as a plasticizer in uv cure formulations. (G) Export overseas for use in polyurethanes. (G) Use in uv cured systems	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, 2-hydroxypropyl-terminated, hydrogenated.
P–17–0246	2/28/2017	5/29/2017	CBI	(G) Industrial intermediate	(G) Polycarbonate polyol.

For the 12 NOCs received by EPA during this period, Table 2 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the NOC; the date the NOC was received by EPA; the projected date of commencement provided by the submitter in the NOC; and the chemical identity.

TABLE 2—NOCS RECEIVED FROM FEBRUARY 1, 2017 TO FEBRUARY 28, 2017

Case No.	Received date	Commencement date	Chemical
J–16–0023	2/10/2017	1/13/2017	(G) Trichoderma reesei modified.
P–13–0824	2/2/2017	1/19/2017	(S) D-glucitol, 1,4:3,6-dianhydro-, polymer with 1,4-cyclohexanedimethanol and diphenyl carbonate.
P–14–0166	2/23/2017	12/6/2016	(G) Fatty acid amide.
P–14–0185	2/23/2017	12/9/2016	(G) Fatty acid amide acetate.
P–14–0321	2/1/2017	1/11/2017	(S) 2-chloro-1,1,1,2-tetrafluoropropane(244bb).
P–15–0009	2/2/2017	1/29/2017	(S) Cyclohexane, 2-ethoxy-1,3-dimethyl-.
P–15–0751	2/10/2017	2/10/2017	(G) Naturally-occurring minerals, reaction products with hetero substituted alkyl acrylate polymer, kaolin and sodium silicate.
P–16–0177	2/2/2017	12/6/2016	(S) Barium molybdenum niobium tantalum tellurium vanadium zinc oxide.
P–16–0284	2/12/2017	1/24/2017	(G) ''anilino substituted bis-triazinyl derivative of 4, 4′-diaminostilbene-2, 2′ disulfonic acid, mixed amine sodium salt''.
P–16–0367	2/2/2017	2/1/2017	(G) Substituted heteromonocycle, polymer with substituted alkane and ethoxylated alkane, substituted heteromonocycle substituted alkyl ester-blocked.
P–16–0369	2/2/2017	2/2/2017	(G) Substituted heteromonocycle, telomer with substituted carbomonocycles, substituted alkyl ester.
P–17–0144	2/21/2017	2/17/2017	(S) Amines, c36-alkylenedi-,polymers with octahydro-4,7-methano-1h-indenedimethanamine and pyromellitic dianhydride, maleated.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: March 28, 2017.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–09559 Filed 5–10–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 17–84; FCC 17–37]

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This Notice of Inquiry (*Notice*) seeks comment on whether the Commission should enact rules to promote the deployment of broadband infrastructure by preempting state and local laws that inhibit broadband deployment, such as state and local moratoria on market entry or the deployment of telecommunications facilities, excessive delays in negotiations and approvals for rights-of-way agreements and permitting for telecommunications services, excessive state and local fees that may have the effect of prohibiting the provision of telecommunications services, unreasonable conditions or requirements in the context of granting access to rights-of-way, permitting, construction, or licensure related to the provision of telecommunications services, bad faith conduct in the context of deployment, rights-of-way, permitting, construction, or licensing negotiations and processes, and any other instances where state or local legal requirements or practices prohibit the provision of telecommunications services. This *Notice* also seeks comment on whether there are state laws governing the maintenance or retirement of copper facilities that serve as a barrier to deploying next-generation technologies and services that the Commission might seek to preempt. The Commission adopted the *Notice* in conjunction with a Notice of Proposed Rulemaking and Request for Comment in WC Docket No. 17–84.

DATES: Comments are due on or before June 12, 2017, and reply comments are due on or before July 10, 2017.

ADDRESSES: All filings in response to the *Notice* must refer to WC Docket No. 17–84. The Commission strongly encourages parties to develop responses to the *Notice* that adhere to the organization and structure of the *Notice.* Comments may be filed using the Commission's Electronic Comment Filing System (ECFS):

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *https://www.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. 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:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Wireline Competition Bureau, Competition Policy Division, Michele Berlove, at (202) 418–1477, or Michael Ray, at (202) 418–0357.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Inquiry (*Notice*) in WC Docket No. 17–84, adopted April 20, 2017 and released April 21, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Information

Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It is available on the Commission's Web site at *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0421/FCC–17–37A1.pdf.*

Synopsis

I. Introduction

1. High-speed broadband is an increasingly important gateway to jobs, health care, education, information, and economic development. Access to high-speed broadband can create economic opportunity, enabling entrepreneurs to create businesses, immediately reach customers throughout the world, and revolutionize entire industries. Today, we propose and seek comment on a number of actions designed to accelerate the deployment of next-generation networks and services by removing barriers to infrastructure investment.

2. This *Notice* seeks to better enable broadband providers to build, maintain, and upgrade their networks, which will lead to more affordable and available Internet access and other broadband services for consumers and businesses alike. Today's actions, through this *Notice* and accompanying Notice of Proposed Rulemaking and Request for Comment, propose to remove regulatory barriers to infrastructure investment at the federal, state, and local level; suggest changes to speed the transition from copper networks and legacy services to next-generation networks and services; and propose to reform Commission regulations that increase costs and slow broadband deployment.

II. Prohibiting State and Local Laws Inhibiting Broadband Deployment

3. We seek comment on whether we should enact rules, consistent with our authority under Section 253 of the Act, to promote the deployment of broadband infrastructure by preempting state and local laws that inhibit broadband deployment. Section 253(a), which generally provides that no state and local legal requirements ''may prohibit or have the effect of prohibiting'' the provisioning of interstate or intrastate telecommunications services, provides the Commission with ''a rule of preemption'' that ''articulates a reasonably broad limitation on state and local governments' authority to regulate telecommunications providers.'' Section 253(b), provides exceptions for state and local legal requirements that are competitively neutral, consistent with Section 254 of the Act, and necessary to preserve and advance universal service. Section 253(c) provides another exception described by the Eighth Circuit as a ''safe harbor functioning as an affirmative defense'' which ''limits the ability of state and local governments to regulate their rights-of-way or charge 'fair and reasonable compensation.''' Under Section 253(d), Congress directed the FCC to preempt the enforcement of any legal requirement which violates 253(a) or 253(b) ''after notice and an opportunity for public comment.''

4. While we recognize that not all state and local regulation poses a barrier to broadband development, we seek comment below on a number of specific areas where we could utilize our authority under Section 253 to enact rules to prevent states and localities from enforcing laws that ''may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.'' In our preliminary view, restrictions on broadband deployment may effectively prohibit the provision of telecommunications service, and we seek comment on this view. What telecommunications services are effectively prohibited by restrictions on broadband deployment? In each case described below, we seek comment on whether the laws in question are inconsistent with Section 253(a)'s prohibition on local laws that inhibit provision of telecommunications service.

5. *Deployment Moratoria.* First, we seek comment on adopting rules prohibiting state or local moratoria on market entry or the deployment of telecommunications facilities. We also seek comment on the types of conduct such rules should prevent. We invite commenters to identify examples of moratoria that states and localities have adopted. How do state and local moratoria interfere with facilities deployment or service provision? What types of delays result from local moratoria (*e.g.,* application processing, construction)? How do moratoria affect the cost of deployment and providing service, and is this cost passed down to the consumer? Are there any types of moratoria that help advance the goals of the Act? If we adopt the proposal to prohibit moratoria, should we provide an exception for certain moratoria, such as those that are limited to exigent circumstances or that have certain sharply restricted time limits? If so, what time limits should be permissible?

6. *Rights-of-Way Negotiation and Approval Process Delays.* Second, we seek comment on adopting rules to eliminate excessive delays in negotiations and approvals for rights-of-way agreements and permitting for telecommunications services. We invite commenters to identify examples of excessive delays. How can the Commission streamline the negotiation and approval process? For instance, should the Commission adopt a mandatory negotiation and/or approval time period, and if so, what would be an appropriate amount of time for negotiations? For purposes of evaluating the timeliness of negotiations, when should the Commission consider the negotiations as having started and having stopped? For example, the Commission adopted rules placing time limits on applicants for cable franchises. We seek comment on similar rules for telecommunications rights-of-way applicants. How have slow negotiation or approval processes inhibited the provision of telecommunications service? Are there any examples of delays that jeopardized investors or deployment in general? How can local governments expedite rights-of-way negotiations and approvals? Are there any examples of successful expedited processes? How should regulations placing time limits on negotiations address or recognize delays in processing applications or negotiations that result from local moratoria? For example, in 2014, the Commission clarified that the shot clock timeframe for wireless siting applications runs regardless of any moratorium. Are stalled negotiations and approvals ever justified, and if so how could new rules take these situations into account?

7. *Excessive Fees and Other Excessive Costs.* Third, we seek comment on adopting rules prohibiting excessive fees and other costs that may have the effect of prohibiting the provision of telecommunications service. We invite commenters to identify examples of fees adopted by states and localities that commenters consider excessive. For example, we note that many states and localities charge rights-of-way fees. Our preliminary view is that Section 253 applies to fees other than cable franchise fees as defined by Section 622(g) of the Act and we seek comment on this view. By ''rights-of-way fees,'' we refer to those fees including, but not limited to, fees that states or local authorities impose for access to rights-of-way, permitting, construction, licensure, providing a telecommunications service, or any other fees that relate to the provision of telecommunications service. We recognize Section 622 of the Act governs the administration of cable franchise fees, and that Section 622(i) limits the Commission's authority to ''regulate the

amount of the franchise fees paid by a cable operator, or regulate the use of funds derived from such fees,'' except as otherwise permitted elsewhere in Section 622. Our preliminary view is that Section 622(i) would prevent the Commission from enacting rules pursuant to Section 253 to address ''excessive'' cable franchise fees, but that such franchise fees could be taken into account when determining whether other types of fees are excessive. We seek comment on this view. Also, we seek comment on whether there are different types of state or local fees, authorized under the provisions of the Act other than 622, for which application of Section 253 would not be appropriate.

8. We recognize that states and localities have many legitimate reasons for adopting fees, and thus our focus is directed only on truly excessive fees that have the effect of cutting off competition. We seek comment on how the Commission should define what constitutes ''excessive'' fees. For example, should rights-of-way fees be capped at a certain percentage of a provider's gross revenues in the permitted area? If so, at what percentage? For example, Section 622 of the Act provides that for any twelve-month period, the franchise fees paid by a cable operator with respect to a cable system shall not exceed five percent of the cable operator's gross revenues derived from a cable service. When a provider seeks to offer additional services using the rights-of-way under an existing franchise or authorization, are there circumstances in which it may be excessive to require the provider to pay additional fees in connection with the introduction of additional services? More broadly, are fees tied to a provider's gross revenues ''fair and reasonable'' if divorced from the costs to the state or locality of allowing access? If we look at costs in assessing fees, should we focus on the incremental costs of each new attacher? Should attachers be required to contribute to joint and common costs? And if so, should we look holistically at whether a state or locality recovers more than the total cost of providing access to the right of way from all attaching entities? We seek comment on evaluating other fees in a similar manner. Are states and localities imposing fees that are not ''fair and reasonable'' for access to local rights-of-way? How do these fees compare to construction costs? Should fees be capped to only cover costs incurred by the locality to maintain and manage the rights-of-way? Should we require that application fees not exceed the costs reasonably associated with the administrative costs to review and process an application? Should any increase in fees be capped or controlled? For example, should fees increases be capped at ten percent a year? What types of fees should we consider within the scope of any rule we adopt? How do excessive fees impact consumers?

9. *Unreasonable Conditions.* Fourth, we seek comment on adopting rules prohibiting unreasonable conditions or requirements in the context of granting access to rights-of-way, permitting, construction, or licensure related to the provision of telecommunications services. For example, we seek comment on rights-of-way conditions that inhibit the deployment of broadband by forcing broadband providers to expend resources on costs not related to rights-of-way management. Do these conditions make the playing field uneven for smaller broadband providers and potential new entrants? If the Commission were to adopt such rules, how should the Commission define what constitutes an ''unreasonable'' rights-of-way condition? We seek comment from both providers and local governments on conditions that they consider are reasonable and unreasonable. Should the Commission place limitations on requirements that compel the telecommunications service provider to furnish service or products to the right-of-way or franchise authority for free or at a discount such as building out service where it is not demanded by consumers, donating equipment, or delivering free broadband to government buildings? Should non-network related costs be factored into any kind of a fee cap? For instance, the Commission determined that non-incidental franchise-related costs and in-kind payments unrelated to the provision of cable service required by local franchise authorities for cable franchises count toward the five percent cable franchise fee cap. We seek comment on whether the Commission should adopt similar rules for telecommunication rights-of-way agreements.

10. *Bad Faith Negotiation Conduct.* Fifth, we seek comment on whether the Commission should adopt rules banning bad faith conduct in the context of deployment, rights-of-way, permitting, construction, or licensure negotiations and processes. We seek comment on what types of bad faith conduct such rules should prohibit and examples of such conduct. Should the Commission ban bad faith conduct generally, specific forms of bad faith conduct, or both? Should the Commission establish specific objective criteria that define the meaning of ''bad faith'' insofar as the Commission prohibits ''bad faith'' conduct generally? If so, we seek comment on proposed criteria. What types of negotiation conduct have directly affected the provision of telecommunications service? Would a streamlined process for responding to bad faith complaints help negate such behavior? What would that process look like?

11. *Other Prohibitive State and Local Laws.* Finally, we seek comment regarding any other instances where the Commission could adopt rules to preempt state or local legal requirements or practices that prohibit the provision of telecommunications service. For instance, should the Commission adopt rules regarding the transparency of local and state application processes? Could the Commission use its authority under Section 253 to regulate access to municipally-owned poles when the actions of the municipality are deemed to be prohibiting or effectively prohibiting the provisions of telecommunications service? If so, could the Commission use its Section 253 authority in states that regulate pole attachment under Section 224(c)? Are there any other local ordinances that erect barriers to the provision of telecommunications service especially as applied to new entrants? Are there any other specific rights-of-way management practices that frustrate, delay or inhibit the provision of telecommunications service? The Commission has described Section 253(a) as preempting conduct by a locality that materially inhibits or limits the ability of a provider ''to compete in a fair and balanced legal and regulatory environment.'' Is this the legal standard that should apply here? We seek comment on identifying particular practices, regulations and requirements that would be deemed to violate Section 253 in order to provide localities and industry with greater predictability and certainty.

12. *Authority To Adopt Rules.* The Commission has historically used its Section 253 authority to respond to preemption petitions that involve competition issues and relationships among the federal, state and local levels of government. We seek comment on our authority under Section 253 to adopt rules that prospectively prohibit the enforcement of local laws that would otherwise prevent or hinder the provision of telecommunications service. Our view is that under Section 201(b) and Section 253, the Commission has the authority to engage in a rulemaking to adopt rules that further

define when a state or local legal requirement or practice constitutes an effective barrier to the provision of telecommunications service under Section 253(a). We seek comment on this approach. We also recognize that state and local governments have authority, pursuant to Sections 253(b) and (c) to, among other things, regulate telecommunications services to protect the public safety and welfare, provide universal service, and to manage public rights-of-way on a non-discriminatory basis. How can we ensure that any rules we adopt comport with Sections 253(b) and (c)? Should we adopt the text of Sections 253(b) and (c), to the extent relevant, as explicit carve-outs from any rules that we adopt? Could we include the substance of Sections 253(b) and (c) in rules without an explicit, verbatim carve-out? Would enacting rules conflict with Section 253(b) or (c)?

13. Would adopting rules to interpret or implement Section 253(a) be consistent with Section 253(d), which directs the Commission to preempt the enforcement of particular State or local statutes, regulations, or legal requirements ''to the extent necessary to correct such violation or inconsistency''? Subsection (d) directs the Commission to preempt such particular requirements ''after notice and an opportunity for public comment.'' Does this preclude the adoption of general rules? Would notice, comment, and adjudicatory action in a Commission proceeding to take enforcement action following a rule violation satisfy these procedural specifications? Can we read Section 253(d) as setting forth a non-mandatory procedural vehicle that is not implicated when adopting rules pursuant to Sections 253(a)-(c)? If the Commission were to adopt rules pursuant to Section 253, we seek comment on whether Section 622 of the Act limits the Commission's authority to enact rules with respect to non-cable franchise fee rights-of-way practices that might apply to cable operators in their capacities as telecommunications providers.

14. *Collaboration With States and Localities.* We also seek comment on actions the Commission can take to work with states and localities to remove the barriers to broadband deployment. The Commission's newly formed Broadband Deployment Advisory Committee (BDAC) includes members from states and localities, and it has been charged with working to develop model codes for municipalities and states. The BDAC will also consider additional steps that can be taken to remove state and local regulatory barriers. Are there additional actions outside of the BDAC that the Commission can take to work with states and localities to promote adoption of policies that encourage deployment?

15. We recognize that states and localities play a vital role in deployment and addressing the needs of their residents. How can we best account for states' and localities' important roles? Are collaborative efforts such as the development of recommendations through the BDAC sufficient to address the issues described above? What are the benefits and burdens of such an approach? To what extent should we rely on collaborative processes to remove barriers to broadband deployment before resorting to preemption?

III. Preemption of State Laws Governing Copper Retirement

16. We seek comment on whether there are state laws governing the maintenance or retirement of copper facilities that serve as a barrier to deploying next-generation technologies and services that the Commission might seek to preempt. For example, certain states require utilities or specific carriers to maintain adequate equipment and facilities. Other states empower public utilities commissions, either acting on their own authority or in response to a complaint, to require utilities or specific carriers to maintain, repair, or improve facilities or equipment or to have in place a written preventative maintenance program. First, we seek comment on the impact of state legacy service quality and copper facilities maintenance regulations. Next, we seek comment on the impact of state laws restricting the retirement of copper facilities. In each case, how common are these regulations, and in how many states do they exist? How burdensome are such regulations, and what benefits do they provide? Are incumbent LECs or other carriers less likely to deploy fiber in states that continue to impose service quality and facilities maintenance requirements than in those states that have chosen to deregulate?

17. We seek comment on whether Section 253 of the Act provides the Commission with authority to preempt state laws and regulations governing service quality, facilities maintenance, or copper retirement that are impeding fiber deployment. Do any such laws ''have the effect of prohibiting the ability of [those incumbent LECs] to provide any interstate or intrastate telecommunications service?'' Are such laws either not ''competitively neutral'' or not ''necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers,'' such that state authority is not preserved from preemption under Section 253(b)? Commenters arguing in favor of preemption should identify specific state laws they believe to be at issue. Would preemption allow the Commission to develop a uniform nationwide copper retirement policy for facilitating deployment of next-generation technologies? Are there other sources of authority for Commission preemption of the state laws being discussed that we should consider using?

IV. Procedural Matters

A. Ex Parte Rules

18. The proceeding related to this *Notice* shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with Rule 1.1206(b). In proceedings governed by Rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system

available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

V. Ordering Clause

19. Accordingly, *it is ordered* that, pursuant to the authority contained in Sections 1, 4(i), 4(j), and 403 of the Communications Act of 1934, as amended, 47 U.S.C 151, 154(i), 154(j), and 403, this *Notice is adopted.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–09541 Filed 5–10–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Thursday, June 8th, 2017 in the Commission Meeting Room, from 10:00 a.m. to 3 p.m. at the Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

DATES: Thursday, June 8th, 2017.

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

FOR FURTHER INFORMATION CONTACT: Walter Johnston, Chief, Electromagnetic Compatibility Division, 202–418–0807; *Walter.Johnston@FCC.gov.*

SUPPLEMENTARY INFORMATION: This is the first meeting of the Technological Advisory Council for 2017. At its prior meeting on December 7th, 2016, the Council had discussed possible work initiatives for 2017. These initiatives have been discussed in the interim within the FCC, with the TAC chairman, as well as with individual TAC members. At the June meeting, the FCC Technological Advisory Council will discuss its proposed work program for 2017. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to seating availability. Meetings are also broadcast live with open captioning over the Internet from the FCC Live Web page at *http://www.fcc.gov/live/.* The public may submit written comments before the meeting to: Walter Johnston, the FCC's Designated Federal Officer for Technological Advisory Council by email: *Walter.Johnston@fcc.gov* or U.S. Postal Service Mail (Walter Johnston, Federal Communications Commission, Room 2–A665, 445 12th Street SW., Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Julius P. Knapp,

Chief, Office of Engineering and Technology.

[FR Doc. 2017–09575 Filed 5–10–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[NIOSH Docket 094]

World Trade Center Health Program; Petition 015—Neuropathy; Finding of Insufficient Evidence

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Denial of petition for addition of a health condition.

SUMMARY: On November 25, 2016, the Administrator of the World Trade Center (WTC) Health Program received a petition (Petition 015) to add neuropathy to the List of WTC-Related Health Conditions (List). Upon reviewing the scientific and medical literature, including information provided by the petitioner, the Administrator has determined that the available evidence does not have the potential to provide a basis for a decision on whether to add neuropathy to the List. The Administrator finds that insufficient evidence exists to request a recommendation of the WTC Health Program Scientific/Technical Advisory Committee (STAC), to publish a proposed rule, or to publish a determination not to publish a proposed rule.

DATES: The Administrator of the WTC Health Program is denying this petition for the addition of a health condition as of May 11, 2017.

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Program Analyst, 1090 Tusculum Avenue, MS: C–46, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov*.

SUPPLEMENTARY INFORMATION:

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A. WTC Health Program Statutory Authority

Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347, as amended by Pub. L. 114–113), added Title XXXIII to the Public Health Service (PHS) Act,[1] establishing the WTC Health Program within the Department of Health and Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders), and to eligible persons who were present in the dust or dust cloud on September 11, 2001, or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area (survivors).

All references to the Administrator of the WTC Health Program (Administrator) in this notice mean the Director of the National Institute for Occupational Safety and Health (NIOSH) or his or her designee.

Pursuant to section 3312(a)(6)(B) of the PHS Act, interested parties may petition the Administrator to add a health condition to the List in 42 CFR 88.15 (2017). Within 90 days after

[1] Title XXXIII of the PHS Act is codified at 42 U.S.C. 300mm to 300mm–61. Those portions of the James Zadroga 9/11 Health and Compensation Act of 2010 found in Titles II and III of Public Law 111–347 do not pertain to the WTC Health Program and are codified elsewhere.

receipt of a petition to add a condition to the List, the Administrator must take one of the following four actions described in section 3312(a)(6)(B) and 42 CFR 88.16(a)(2): (1) Request a recommendation of the STAC; (2) publish a proposed rule in the **Federal Register** to add such health condition; (3) publish in the **Federal Register** the Administrator's determination not to publish such a proposed rule and the basis for such determination; or (4) publish in the **Federal Register** a determination that insufficient evidence exists to take action under (1) through (3) above. However, in accordance with 42 CFR 88.16(a)(5), the Administrator is required to consider a new petition for a previously-evaluated health condition determined not to qualify for addition to the List only if the new petition presents a new medical basis—evidence not previously reviewed by the Administrator—for the association between 9/11 exposures and the condition to be added.

In addition to the regulatory provisions, the WTC Health Program has developed policies to guide the review of submissions and petitions,[2] as well as the analysis of evidence supporting the potential addition of a non-cancer health condition to the List.[3] In accordance with the aforementioned non-cancer health condition addition policy, the Administrator directs the WTC Health Program to conduct a review of the scientific literature to determine if the available scientific information has the potential to provide a basis for a decision on whether to add the health condition to the List. A literature review includes a search for peer-reviewed, published epidemiologic studies (including direct observational studies in the case of health conditions such as injuries) about the health condition among 9/11-exposed populations; such studies are considered ''relevant.'' Relevant studies identified in the literature search are further reviewed for their quantity and quality to provide a basis for deciding whether to propose adding the health condition to the List. Where the available evidence has the potential to provide a basis for a decision, the scientific and medical evidence is further assessed to determine whether a causal relationship between 9/11 exposures and the health condition is supported. A health condition may be added to the List if peer-reviewed, published, direct observational or epidemiologic studies provide substantial support [4] for a causal relationship between 9/11 exposures and the health condition in 9/11-exposed populations. If the evidence assessment provides only modest support [5] for a causal relationship between 9/11 exposures and the health condition, the Administrator may then evaluate additional peer-reviewed, published epidemiologic studies, conducted among non-9/11-exposed populations, evaluating associations between the health condition of interest and 9/11 agents.[6] If that additional assessment establishes substantial support for a causal relationship between a 9/11 agent or agents and the health condition, the health condition may be added to the List.

B. Petition 015

On November 25, 2016, the Administrator received a petition from a New York City Police Department (NYPD) responder who worked at Ground Zero, requesting the addition of neuropathy to the List. The petition referenced studies conducted by researchers from Winthrop University which, according to the petitioner, found that 9/11 exposures led to nerve damage.[7]

A valid petition must include sufficient medical basis for the association between the September 11, 2001, terrorist attacks and the health condition to be added; in accordance with WTC Health Program policy, reference to a peer-reviewed, published, epidemiologic study about the health condition among 9/11-exposed populations or to clinical case reports of health conditions in WTC responders or survivors may demonstrate the required medical basis.[8] Based on the information provided by the petitioner, who referred to ''medical studies by Winthrop University doctors'' concerning 9/11 exposure and nerve damage, the Program identified three studies by Winthrop University researchers concerning 9/11 exposure and nerve damage (neuropathy). The first reference, ''Analysis of Short-Term Effects of World Trade Center Dust on Rat Sciatic Nerve,'' by Stecker *et al.* [2014] [9] investigated the short-term effects of WTC dust on the sciatic nerve in laboratory rats. ''Neuropathic Symptoms in World Trade Center Disaster Survivors and Responders,'' by Wilkenfeld *et al.* [2016],[10] investigated whether neuropathic symptoms were more prevalent in 9/11-exposed patients than non-exposed patients; and ''Neurologic Evaluations of Patients Exposed to the World Trade Center Disaster,'' by Stecker *et al.* [2016], looked for objective evidence of neurologic injury in 9/11-exposed patients.[11] These three studies suggested a potential association between 9/11 exposures and neuropathy and were thus considered to establish a sufficient medical basis to consider the submission a valid petition.

C. Review of Scientific and Medical Information and Administrator Determination

In response to Petition 015, and pursuant to the Program policy on addition of non-cancer health conditions to the List,[12] the Program conducted a review of the scientific literature on neuropathy to determine if the available evidence has the potential to provide a basis for a decision on whether to add neuropathy to the List.[13]

The literature search identified two relevant citations for neuropathy, the studies by Wilkenfeld *et al.* [2016] and Stecker *et al.* [2016] referenced by the petitioner. The third study referenced

[2] *See* WTC Health Program [2014], *Policy and Procedures for Handling Submissions and Petitions to Add a Health Condition to the List of WTC-Related Health Conditions,* May 14, *http://www.cdc.gov/wtc/pdfs/WTCHPPPPetitionHandlingProcedures14May2014.pdf.*

[3] *See* WTC Health Program [2016], *Policy and Procedures for Adding Non-Cancer Conditions to the List of WTC-Related Health Conditions,* May 11, *http://www.cdc.gov/wtc/pdfs/WTCHP_PP_Adding_NonCancer_Conditions_Revision_11_May_2016.pdf.* Since the date of receipt of Petition 015, the Administrator has revised the policy and procedures for addition of non-cancer health conditions. Petition 015 was evaluated using the May 11, 2016 version of the policy and procedures in place at the time of receipt of the petition.

[4] The substantial evidence standard is met when the Program assesses all of the available, relevant information and determines with high confidence that the evidence supports its findings regarding a causal association between the 9/11 exposure(s) and the health condition.

[5] The modest evidence standard is met when the Program assesses all of the available, relevant information and determines with moderate confidence that the evidence supports its findings regarding a causal association between the 9/11 exposure(s) and the health condition.

[6] 9/11 agents are chemical, physical, biological, or other agents or hazards reported in a published, peer-reviewed exposure assessment study of responders or survivors who were present in the New York City disaster area, at the Pentagon site, or at the Shanksville, Pennsylvania site, as those locations are defined in 42 CFR 88.1.

[7] *See* Petition 015, WTC Health Program: Petitions Received, *http://www.cdc.gov/wtc/received.html.*

[8] *See supra* note 2.

[9] Stecker M, Segelnick J, Wilkenfeld M [2014], *Analysis of Short-Term Effects of World Trade Center Dust on Rat Sciatic Nerve,* JOEM 56(10):1024–1028.

[10] Wilkenfeld M, Fazzari M, Segelnick J, and Stecker M [2016], *Neuropathic Symptoms in World Trade Center Disaster Survivors and Responders,* JOEM 58(1):83–86.

[11] Stecker M, Yu H, Barlev R, *et al.* [2016], *Neurologic Evaluations of Patients Exposed to the World Trade Center Disaster,* JOEM 58(11):1150–1154.

[12] *Supra* note 3.

[13] Databases searched include: Embase, NIOSHTIC–2, ProQuest Health & Safety, PubMed, Scopus, Toxicology Abstracts, and TOXLINE.

by the petitioner, Stecker *et al.* [2014], does not meet the policy's relevance requirement of being an epidemiologic study of a 9/11-exposed population, because it was an in vitro study conducted in rat tissues; [14] therefore, it was not further considered. The Program also identified a study by Marmor *et al.* [2017] [15] which reported on the prevalence and risk factors for paresthesia, a condition related to and at times a symptom of neuropathy, among community members who attended the WTC Environmental Health Center for treatment of health outcomes resulting from 9/11 exposures. Since the Marmor *et al.* [2017] study concerns paresthesia rather than neuropathy, it is not considered ''relevant'' and, per Program policy,[16] cannot provide potential support for deciding whether to propose adding neuropathy to the List.[17]

The Wilkenfeld *et al.* study was previously reviewed for quality as part of the Program's evaluation of Petition 010, which requested the addition of peripheral neuropathy to the List. As discussed in the **Federal Register** notice regarding Petition 010, the Wilkenfeld *et al.* [2016] study was found to have numerous limitations preventing further evaluation.[18]

Upon review, the Stecker *et al.* [2016] study also exhibited significant limitations, including flawed study design and selection bias. Similar to the study by Wilkenfeld *et al.* [2016], the Stecker *et al.* [2016] study was cross-sectional and did not include appropriate population sampling criteria. Although Stecker *et al.* [2016] used an objective measure of neuropathy, the comparison group was inadequate. The small exposure group and multiple statistical tests may have limited the study power. Neither the Wilkenfeld *et al.* [2016] nor the Stecker *et al.* [2016] study addressed potential exposures to toxins outside of 9/11 exposures and other confounders that could explain the findings.

[14] Only epidemiologic studies of the health condition in human 9/11-exposed populations are considered relevant.

[15] Marmor M, Shao Y, Bhatt DH, *et al.* [2017], Paresthesias among Community Members Exposed to the World Trade Center Disaster, JOEM article in press.

[16] *See supra* note 3 and Section A.

[17] Paresthesia refers to abnormal sensations such as prickling, tingling, itching, burning or cold, skin crawling or impaired sensations. Although paresthesia symptoms could arise from nerve damage, including neuropathy, other conditions can also produce paresthesia, such as anxiety, metabolic derangements, and certain infectious diseases such as Lyme disease. Because paresthesia is not exclusively associated with neuropathy, paresthesia is not a proxy for neuropathy.

[18] *See* 81 FR 19108 (April 4, 2016).

The studies by Wilkenfeld *et al.* [2016] and Stecker *et al.* [2016] exhibited many significant limitations and were found, individually and together, not to provide a basis for deciding whether to propose adding neuropathy to the List.

D. Administrator's Final Decision on Whether To Propose the Addition of Neuropathy to the List

In accordance with the review and determination discussed above, the Administrator has concluded that the available evidence does not have the potential to provide a basis for a decision on whether to add neuropathy to the List. Accordingly, the Administrator has determined that insufficient evidence is available to take further action at this time, including either proposing the addition of neuropathy to the List (pursuant to PHS Act, sec. 3312(a)(6)(B)(ii) and 42 CFR 88.16(a)(2)(ii)) or publishing a determination not to publish a proposed rule in the **Federal Register** (pursuant to PHS Act, sec. 3312(a)(6)(B)(iii) and 42 CFR 88.16(a)(2)(iii)). The Administrator has also determined that requesting a recommendation from the STAC (pursuant to PHS Act, sec. 3312(a)(6)(B)(i) and 42 CFR 88.16(a)(2)(i)) is unwarranted.

For the reasons discussed above, the Petition 015 request to add neuropathy to the List of WTC-Related Health Conditions is denied.

E. Approval To Submit Document to the Office of the Federal Register

The Secretary, HHS, or his designee, the Director, Centers for Disease Control and Prevention (CDC) and Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), authorized the undersigned, the Administrator of the WTC Health Program, to sign and submit the document to the Office of the Federal Register for publication as an official document of the WTC Health Program. Anne Schuchat, M.D., Acting Director, CDC, and Acting Administrator, ATSDR, approved this document for publication on May 2, 2017.

John Howard,

Administrator, World Trade Center Health Program and Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2017–09551 Filed 5–10–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Reinstate and Extend Collection with Modification—Social Services Block Grant (SSBG) Post-Expenditure Report.

Title: Social Services Block Grant (SSBG) Post-Expenditure Report.

OMB No.: 0970–0234.

Description: The purpose of this is to request approval to: (1) Reinstate and extend the collection of post-expenditure data using the current OMB approved Post-Expenditure Reporting form (OMB No. 0970–0234) with modification past the current expiration date of November 30, 2017; (2) propose 8 minor additions to the current Post-Expenditure Reporting form; and (3) to request that grantees continue to voluntarily submit estimated pre-expenditure data using the Post-Expenditure Reporting form, as part of the required annual Intended Use Plan.

The Social Services Block Grant (SSBG) is authorized under Title XX of the Social Security Act, as amended, and is codified at 42 U.S.C. 1397 through 1397e. SSBG provides funds to States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands (hereinafter referred to as States and Territories or grantees) to assist in delivering critical services to vulnerable older adults, persons with disabilities, at-risk adolescents and young adults, and children and families. SSBG funds are distributed to each State and the District of Columbia based on each State's population relative to all other States. Distributions are made to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands based on the same ratio allotted to them in 1981 as compared to the total 1981 appropriation.

Each State or Territory is responsible for designing and implementing its own use of SSBG funds to meet the specialized needs of their most vulnerable populations. States and Territories may determine what services will be provided, who will be eligible, and how funds will be distributed among the various services. State or local SSBG agencies (*i.e.,* county, city, regional offices) may provide the services or grantees may purchase services from qualified agencies,

organizations, or individuals. States and Territories must administer the SSBG according to their accepted Intended Use Plan, along with amendments, and in conformance with their own implementing rules and policies. The Office of Community Services (OCS), Administration for Children and Families administers the SSBG.

Annually, grantees are required to submit a Pre-Expenditure Report and Intended Use Plan as a prerequisite to receiving SSBG funds. The Pre-Expenditure Report must include information on the types of services to be supported and the characteristics of individuals to be served. This report is to be submitted 30 days prior to the start of the Fiscal Year (June 1 if the State operates on a July–June Fiscal Year, or September 1 if the State operates on a Federal Fiscal Year). No specific format is required for the Intended Use Plan. Grantees are required to submit a revised Intended Use Plan and Pre-Expenditure Report if the planned use of SSBG funds changes during the year (42 U.S.C. 1397c).

In order to provide a more accurate analysis of the extent to which funds are spent ''in a manner consistent'' with each of the grantees' plan for their use, as required by 42 U.S.C. 1397e (a), OCS continues to request that States voluntarily use the format of the Post-Expenditure Reporting form to create their Pre-Expenditure Report, which provides estimates of the amount of expenditures and the number of recipients, by service category, and is submitted as part of the grantees' Intended Use Plan. Most of the States and Territories are currently using the format of the Post-Expenditure Reporting form to report estimated expenditures and recipients (the Pre-Expenditure Report), by service category, as part of their Intended Use Plan.

On an annual basis, States and Territories are also required to submit a Post-Expenditure Report that details their use of SSBG funds in each of 29 service categories. Grantees are required to submit their Post-Expenditure Report within six months of the end of the period covered by the report. The Post-Expenditure Report must address (1) The number of individuals (including number of children and number of adults) who receive services paid for, in whole or in part, with Federal funds under the SSBG; (2) The amount of SSBG funds spent in providing each service; (3) The total amount of Federal, State, and Local funds spent in providing each service, including SSBG funds; (4) The method(s) by which each service is provided, showing separately the services provided by public and private agencies; and (5) The criteria applied in determining eligibility for each service such as income eligibility guidelines, sliding scale fees, the effect of public assistance benefits, and any requirements for enrollment in school or training programs (45 CFR 96.74a). The Post-Expenditure Report must also; (1) Indicate if recipient totals are actual or if the total reported is based on estimates and/or sampled data; and (2) use its own definition of child and adult in reporting the required data (45 CFR 96.74b).

This request seeks approval to reinstate and continue the use of the current OMB approved Post-Expenditure Reporting form (OMB No. 0970–0234) with modification, for estimating expenditures and recipients as part of States'/Territories' Pre-Expenditure Reports and for annual Post-Expenditure Reporting. The proposed modifications seek to consolidate information that would be stored or transmitted elsewhere into the singular reporting form to allow OCS to better analyze and provide guidance to improve States efficiency in grant administration. These modifications address the regulations 42 U.S.C. 1397e and 45 CFR 96.74 cited above by providing space on the Post-Expenditure form to indicate the required information.

Beginning in 2013, States completed the current reporting form on the SSBG Portal. The SSBG Portal is a secure web-based data portal. The SSBG Portal allows for more efficient data submission without increasing the overall burden on States. Until recently, Territories reported the data on the Post-Expenditure Reporting form in Microsoft Excel and submitted it to ACF, via email or posted mail. In 2017, Territories can complete the current reporting form on the SSBG Portal. The SSBG Portal provides a user-friendly means for States and Territories to submit and access their Pre-Expenditure and Post-Expenditure and Recipient Data.

Information collected in the Post-Expenditure Reports submitted by States and Territories is analyzed and described in an annual report on SSBG expenditures and recipients produced by the Office of Community Services (OCS), Administration for Children and Families (ACF). The information contained in this report is used for grant planning and management. The data establishes how SSBG funding is used for the provision of services in each State or Territory.

The data is also analyzed to determine the performance of States and Territories in meeting the SSBG performance measures developed to meet the requirements of the Government Performance and Results Act of 1993 (GPRA), as amended by the GPRA Modernization Act of 2010 [Pub. L. 11–352; 31 U.S.C 1115(b)(10)]. GPRA requires all Federal agencies to develop measurable performance goals.

The SSBG currently has an administrative costs efficiency measure which is intended to decrease the percentage of SSBG funds identified as administrative costs in the Post-Expenditure Reports [U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services. (2007, June). Implementing a new performance measure to enhance efficiency (Information Memorandum Transmittal No. 04–2007). Available from *https://www.acf.hhs.gov/ocs/resource/implementing-a-new-performance-measure-to-enhance-efficiency*]. The SSBG also implements a performance measure designed to ensure that SSBG funds are spent effectively and efficiently while maintaining the intrinsic flexibility of the SSBG as a block grant. The performance measure assesses the degree to which States and Territories spend SSBG funds in a manner consistent with their intended use, as required by Federal law [42 U.S.C. 1397e(a); U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services. (2012, February). Implementation of a new performance measure (Information Memorandum Transmittal No. 01–2012). Available from *https://www.acf.hhs.gov/ocs/resource/implementation-of-a-new-performance-measure*]. It will be used to determine how well grantees are doing overall in minimizing variance between projected and actual expenditures of SSBG funds. This program measure began implementation with FY 2013 data and remains ongoing.

Respondents: The Post-Expenditure Reporting form and Pre-Expenditure Report are completed once annually by a representative of the agency that administers the Social Services Block Grant at the State or Territory level. Respondents include the 50 States, the District of Columbia, and Puerto Rico, as well as the territories of American Samoa, Guam, the Virgin Islands, and the Commonwealth of Northern Mariana Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden ours
Post-Expenditure Reporting Form	56	1	110	6,160
Use of Post-Expenditure Reporting Form as Part of the Intended Use Plan	56	1	2	112

Estimated Total Annual Burden Hours: 6,272.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–09581 Filed 5–10–17; 8:45 am]

BILLING CODE 4184–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Nominations to the Advisory Council on Alzheimer's Research, Care, and Services

AGENCY: Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Secretary of HHS established the Advisory Council to provide advice and consultation to the Secretary on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. The Secretary signed the charter establishing the Advisory Council on May 23, 2011. *HHS is soliciting nominations for seven (7) new non-Federal members of the Advisory Council to replace the seven members whose terms will end September 30th, 2017.* Nominations should include the nominee's contact information (current mailing address, email address, and telephone number) and current curriculum vitae or resume.

DATES: Submit nominations by email or USPS mail before COB on June 16, 2017.

ADDRESSES: Nominations should be sent by email to Rohini Khillan at *rohini.khillan@hhs.gov;* or sent by USPS mail to: Rohini Khillan, Office of the Assistant Secretary for Planning and Evaluation, Room 424E, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Rohini Khillan (202) 690–5932, *rohini.khillan@hhs.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Council on Alzheimer's Research, Care, and Services meets quarterly to discuss programs that impact people with Alzheimer's disease and related dementias and their caregivers. The Advisory Council makes recommendations to Congress and the Secretary of Health and Human Services about ways to reduce the financial impact of Alzheimer's disease and related dementias and to improve the health outcomes of people with these conditions. The Advisory Council also provides feedback on a National Plan for Alzheimer's disease. On an annual basis, the Advisory Council evaluates the implementation of the recommendations through an updated National Plan. The National Alzheimer's Project Act, Public Law 111–375 (42 U.S.C. 11225), requires that the Secretary of Health and Human Services (HHS) establish the Advisory Council on Alzheimer's Research, Care, and Services. The Advisory Council is governed by provisions of Public Law 92–463 (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

The Advisory Council consists of 22 members. Ten members will be designees from Federal agencies including the Centers for Disease Control and Prevention, Administration for Community Living, Centers for Medicare and Medicaid Services, Indian Health Service, National Institutes of Health, National Science Foundation, Department of Veterans Affairs, Food and Drug Administration, Agency for Healthcare Research and Quality, and the Health Resources and Services Administration.

The Advisory Council also consists of 12 non-federal members selected by the Secretary who fall into 6 categories: Dementia caregivers (2), health care providers (2), representatives of State health departments (2), researchers with dementia-related expertise in basic, translational, clinical, or drug development science (2), voluntary health association representatives (2), and dementia patient advocates, including an advocate who is currently living with the disease (2). The member living with the disease serves a 2-year term.

At this time, the Secretary shall appoint one member for each category, to replace the seven members whose terms will end on September 30th, 2017, for a total of seven (7) new members to the Council. After receiving nominations, the Secretary, with input from his staff, will make the final decision, and the new members will be announced soon after. Members shall be invited to serve 4-year terms, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. The member living with the disease will serve a 2-year term. A member may serve after the expiration of the member's term until a successor has taken office. Members will serve as Special Government Employees.

Dated: May 3, 2017.

John R. Graham,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 2017–09545 Filed 5–10–17; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorder and Stroke Special Emphasis Panel; Blueprint Neurotherapeutics Network (BPN) Small Molecule Drug Discovery and Development.

Date: June 5, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco, 700 F Street NW., Washington, DC 20001.

Contact Person: Joel Saydoff, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *Joel.saydoff@nih.gov.*

Name of Committee: Neurological Science Training Initial Review Group; NST–1 Subcommittee.

Date: June 5–6, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

Contact Person: William Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–0660, *Benzing@mail.nih.gov.*

Name of Committee: Neurological Science Training Initial Review Group; NST–2 Subcommittee.

Date: June 19, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Warwick Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Elizabeth Webber, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–1917, *webberre@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: May 5, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09597 Filed 5–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel Pain Mobile Remote Pain Management System (Topic 160; Phase II, 4434, 4435).

Date: May 9, 2017.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 827–5702, *lf33c.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 4, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09489 Filed 5–10–17; 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; Collaborative Applications: Adult Psychopathology.

Date: June 6, 2017.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines' Memorial Club & Hotel, 609 Sutter Street, San Francisco, CA 94102.

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, BBBP IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, 301–500–5829, *sechu@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.

Date: June 7–8, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue NW., Washington, DC 20037.

Contact Person: Jana Drgonova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–827–2549, *jdrgonova@mail.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Modeling and Analysis of Biological Systems Study Section.

Date: June 7, 2017.
Time: 8:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Craig Giroux, Ph.D., Scientific Review Officer, BST IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, Bethesda, MD 20892, 301–435–2204, *girouxcn@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry A Study Section.
Date: June 7–8, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.
Contact Person: Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–827–6276, *anita.szajek@nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Xenobiotic and Nutrient Disposition and Action Study Section.
Date: June 7–8, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.
Contact Person: Martha Garcia, Ph.D., Scientific Reviewer Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, Bethesda, MD 20892, 301–435–1243, *garciamc@nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney, Nutrition, Obesity and Diabetes Study Section.
Date: June 7–8, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Dana on Mission Bay, 1710 West Mission Bay Drive, San Diego, CA 92109.
Contact Person: Fungai Chanetsa, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Molecular and Cellular Hematology Study Section.
Date: June 7–8, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6183, MSC 7804, Bethesda, MD 20892, 301–495–1213, *espinozala@mail.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.
Date: June 7–8, 2017.
Time: 8:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington Embassy Row, 2015 Massachusetts Avenue NW., Washington, DC 20036.
Contact Person: Baishali Maskeri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–2864, *maskerib@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 14–166: Early Phase Clinical Trials in Imaging and Image-Guided Interventions.
Date: June 7, 2017.
Time: 2:00 p.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites by Hilton, Denver Int'l Airport, 7001 Yampa Street, Denver, CO 80249.
Contact Person: Songtao Liu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, Bethesda, MD 20817, 301–435–3578, *songtao.liu@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: May 8, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09595 Filed 5–10–17; 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: Brain Disorders and Clinical Neuroscience Integrated Review Group; Developmental Brain Disorders Study Section.
Date: June 1–2, 2017.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.
Contact Person: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, *manospa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biochemistry and Biophysics of Membrance.
Date: June 2, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Nikko San Francisco, Mason St., San Francisco, CA 94102.
Contact Person: Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–827–6276, *anita.szajek@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Hypertension and Microcirculation.
Date: June 5, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0912, *Katherine_Malinda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Community-Level Health Promotion Special Emphasis Panel.
Date: June 5, 2017.
Time: 12:00 p.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *brontetinkewjm@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Vector Biology Study Section.
Date: June 6–7, 2017.
Time: 8:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–402–5671, *zhengli@csr.nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Behavioral Genetics and Epidemiology Study Section.

Date: June 6, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: George Vogler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3140, MSC 7770, Bethesda, MD 20892, (301) 237–2693, *voglergp@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Target Assessment, Engagement and Data Replicability to Improve Substance Use Disorders Treatment Outcomes.

Date: June 6, 2017.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco Baltimore, 2 North Charles Street, Baltimore, MD 21201.

Contact Person: Kristen Prentice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3112, MSC 7808, Bethesda, MD 20892, 301–496–0726, *prenticekj@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Animal/Biological and Related Resources.

Date: June 6, 2017.

Time: 1:00 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 (Virtual Meeting).

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, (301) 455–1761, *kellya2@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: May 8, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09594 Filed 5–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel Conference Grant Review (R13).

Date: May 24, 2017.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–827–5819, *gm145a@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel Multi-site Clinical Trials.

Date: June 1, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shang-Yi Anne Tsai, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda, MD 20892, 301–827–5842, *shangyi.tsai@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel Identification of Genetic and Genomic Variants by Next-Gen Sequencing in Non-human Animal Models (U01).

Date: June 6, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shang-Yi Anne Tsai, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda, MD 20892, 301–827–5842, *shangyi.tsai@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, BRAIN Initiative: Research Career Enhancement Award for Investigators to Build Skills in a Cross-Disciplinary Area (K18).

Date: June 12, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 4, 2017.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09488 Filed 5–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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 Environmental Health Sciences 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 Environmental Health Sciences Council.

Date: June 6–7, 2017.

Closed: June 06, 2017, 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Open: June 06, 2017, 10:30 a.m. to 4:30 p.m.

Agenda: Discussion of Program and Issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Open: June 07, 2017, 8:30 a.m. to 11:00 a.m.

Agenda: Discussion of Program and Issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Gwen W. Collman, Ph.D., Interim Director, Division of Extramural Research & Training, National Institutes of Health, Nat. Inst. of Environmental Health Sciences 615 Davis Dr., KEY615/3112, Research Triangle Park, NC 27709, (919) 541–4980. *collman@niehs.nih.gov,*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.niehs.nih.gov/dert/c-agenda.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: May 5, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09501 Filed 5–10–17; 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: Immunology Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.

Date: June 8–9, 2017.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005.

Contact Person: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4199, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Motivated Behavior Study Section.

Date: June 8–9, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Seattle Hotel, 1400 6th Avenue, Seattle, WA 98101.

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892–7814, 301–435–1787, *borzanj@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Membrane Biology and Protein Processing Study Section.

Date: June 8, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Allerton Hotel—Chicago, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Janet M. Larkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, 301–806–2765, *larkinja@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Development and Disease Study Section.

Date: June 8–9, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Aruna K. Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–435–6809, *beheraak@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Psychosocial Development, Risk and Prevention Study Section.

Date: June 8–9, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Orlando at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821.

Contact Person: Anna L. Riley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7759, Bethesda, MD 20892, 301–435–2889, *rileyann@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function B Study Section.

Date: June 8–9, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C-L Albert Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, 301–435–1016, *wangca@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Nursing and Related Clinical Sciences Study Section.

Date: June 8–9, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005.

Contact Person: Rafael Semansky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2040M, Bethesda, MD 20892, 301–496–5749, *semanskyrm@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Molecular and Cellular Endocrinology Study Section.

Date: June 8–9, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: Liliana Norma Berti-Mattera, Ph.D., Scientific Review Officer, Center for Scientific Review. National Institutes of Health, 6701 Rockledge Drive, RM 4215, Bethesda, MD 20892, *liliana.berti-mattera@nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Kidney Molecular Biology and Genitourinary Organ Development.

Date: June 8, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Seattle Hotel, 401 Lenora Street, Seattle, WA 98121.

Contact Person: Ganesan Ramesh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182 MSC 7818, Bethesda, MD 20892, 301–827–5467, *ganesan.ramesh@nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Virology—A Study Section.

Date: June 8–9, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Hwy, Arlington, VA 22202.

Contact Person: Kenneth M. Izumi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, 301–496–6980, *izumikm@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Neurological, Aging and Musculoskeletal Epidemiology Study Section.

Date: June 8, 2017.

Time: 8:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue NW., Washington, DC 20037.

Contact Person: Heidi B. Friedman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–435–1721, *hfriedman@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Neuroscience and Ophthalmic Imaging Technologies Study Section.

Date: June 8–9, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites DC Convention Center, 900 10th Street NW., Washington, DC 20001.

Contact Person: Yvonne Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301–379–3793, *bennetty@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: May 8, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09596 Filed 5–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0015; OMB No. 1660–0025]

Agency Information Collection Activities: Proposed Collection; Comment Request; Non-Disaster (ND) Grants System.

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Non-Disaster (ND) Grants System.

DATES: Comments must be submitted on or before July 10, 2017.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2017–0015. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Everett Yuille, Branch Chief (Systems and Business Support Branch), FEMA, Grant Programs Directorate, Grant Operations Division, at (202) 786–9457. You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Title 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards, establishes uniform administrative requirements, cost principles, and audit requirements for FEMA. In order to minimize the administrative burden for State and local partners to manage grants, it is necessary to standardize FEMA's grant administration processes. Currently, FEMA relies on multiple separate grants management systems and manual processes to perform its grants management functions. FEMA is revising this collection of information by fully integrating and automating these systems through ND Grants (*https://portal.fema.gov*), through which FEMA will implement a single, integrated, web-based, grants data collection and management system. With ND Grants, FEMA seeks to meet the intent of the E-Government initiative, authorized by Public Law 106–107, passed on November 20, 1999, that requires that all government agencies both streamline grant application processes and provide a mechanism to electronically create, review, and submit a grant application via the Internet.

Collection of Information

Title: Non-Disaster (ND) Grants System.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0025.

FEMA Form: FEMA Form 080–0–0–15, Non-Disaster (ND) Grants System.

Abstract: ND Grants is a web-based grants management system that fulfills FEMA's strategic initiative to consolidate the entire non-disaster grants management lifecycle into a single system. Currently, ND Grants has functionality that supports the grantee application process, award acceptance, amendments, and performance reporting.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 2,380.

Number of Responses: 52,598.

Estimated Total Annual Burden Hours: 26,299 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $988,053.43. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $8,244,902.03.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: April 27, 2017.

William H. Holzerland,

Senior Director for Information Management, Office of the Chief Administrative Officer, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security.

[FR Doc. 2017–09505 Filed 5–10–17; 8:45 am]

BILLING CODE 9111–46–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0091]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Replacement Naturalization/Citizenship Document

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 12, 2017. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. (This is not a toll-free number.) All submissions received must include the agency name and the OMB Control Number 1615–0091.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on February 23, 2017, at 82 FR 11477, allowing for a 60-day public comment period. USCIS did receive four comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0052 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Replacement Naturalization/Citizenship Document.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–565; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form N–565 is used to apply for a replacement of a Declaration of Intention, Certificate of Citizenship or Replacement Certificate, or to apply for a special certificate of naturalization as a U.S. citizen to be recognized by a foreign country.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–565 is 27,954 and the estimated hour burden per response is .916 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 25,606 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $3,424,365.

Dated: May 8, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–09573 Filed 5–10–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–08]

60-Day Notice of Proposed Information Collection: Section 8 Renewal Policy Guide

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 10, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION, CONTACT: Katherine Nzive, Director, Program Administration Division, Office of Asset Management and Portfolio Oversight, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Katherine Nzive at Katherine A. *Nzive@hud.gov* or telephone 202.402.3440. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Section 8 Renewal Policy Guide.

OMB Approval Number: 2502–0587.

Type of Request: Extension of currently approved collection

Form Numbers:

Contract Renewal Request Form (HUD–9624)
OCAF Rent Adjustment Worksheet (HUD–9625)
Letters to Owner-Agents (Options 1 and 3) (Auto OCAF Letters) (HUD–9626)
Letters to Owner-Agents (Options 2 and 4) (Auto OCAF Letters) (HUD–9627)
Request to Renew Using Non-Section 8 Units in the Section 8 Project as a Market Rent Ceiling (HUD–9629)
Request to Renew Using FMR's as Market Ceiling (HUD–9630)
One Year Notification Owner Does Not Intend To Renew (HUD–9631)
One Year Notification Letter Owner Intends To Renew (HUD–9632)
Use Agreement (HUD–9634)
Projects Preparing a Budget-Based Rent Increase (HUD–9635)
Basic Renewal Contract—One Year Term (HUD–9636)
Basic Renewal Contract—Multi-Year Term (HUD–9637)
Renewal Contract for Mark-Up-To-Market Project (HUD–9640)
Housing Assistance Payments Preservation Renewal Contract (HUD–9639)
Interim (Full) Mark-To-Market Renewal Contract (HUD–9640)
Interim (Lite) Mark-To-Market Renewal Contract (HUD–9641)
Full Mark-To-Market Renewal Contract (HUD–9642)
Watch List Renewal Contract (HUD–9643)
Project Based Assistance Payments Amendment Contract Moderate Rehabilitation (HUD–9644)
Project Based Section Housing Assistance Payments Extension of Renewal Contract (HUD–9646)
Consent to Assignment of HAP Contract as Security for Freddie Mac Financing (HUD–9648A)
Consent to Assignment of HAP Contract as Security for FNMA Credit Enhancement (HUD–9648D)
Consent to Assignment of HAP Contract as Security for Financing (HUD–9649)
Consent to Assignment of HAP Contract as Security for FNMA Financing (HUD–9651)
Addendum to Renewal Contract under Option One or Option Two for Capital Repairs and/or Acquisition Costs (HUD–93181)
Addendum to Renewal Contract under Option One or Option Two for Capital Repairs and/or Acquisition—Post-Rehabilitation Rents at Closing (HUD–93182)
Rider to Original Section 8 Housing Assistance Payments Contract (HUD–93184)

Description of the need for the information and proposed use: The modifications of the Section 8 renewal policy and recent legislation are implemented to address the essential requirement to preserving low income rental housing affordability and availability. The Section 8 Renewal Policy Guide will include recent legislation modifications for renewing of expiring Section 8 policy(ies) Guidebook, as authorized by the 24 CFR part 401 and 24 CFR part 402. The Multifamily Housing Reform and Affordability Act of 1997 (MAHRA) for fiscal year 1998 (Pub. L. 105–65, enacted on October 27, 1997), required that expiring Section 8 project-based assistance contracts be renewed under MAHRA. Established in the MAHRA policies renewal of Section 8 project-based contracts rent are based on market rents instead of the Fair Market Rent (FMR) standard.

MAHRA renewals submission should include a Rent Comparability Study (RCS). If the RCS indicated rents were at or below comparable market rents, the contract was renewed at current rents adjusted by Operating Cost Adjustment Factor (OCAF), unless the Owner submitted documentation justifying a budget-based rent increase or participation in Mark-Up-To-Market. The case is that no renewal rents could exceed comparable market rents. If the RCS indicated rents were above comparable market rents, the contract was referred to the Office of Affordable Housing Preservation (OAHP) for debt restructuring and/or rent reduction.

The Preserving Affordable Housing for Senior Citizens and Families Into the 21st Century Act of 1999 (public law 106–74, enacted on October 20, 1999), modified MAHRA.

The Section 8 Renewal Policy Guide sets forth six renewal options from which a project owner may choose when renewing their expiring Section 8 contract: Option One—Mark-Up-To-Market, Option Two—Other Contract Renewal with Current Rents at or Below Comparable Market Rents, Option Three—Referral to the Office of Affordable Preservation (OAHP), Option

Four- Renewal of Projects Exempted From OMHAR, Option Five—Renewal of Portfolio Reengineering Demonstration or Preservation Projects, and Option Six—Opt Outs. Owners should select one of six options which are applicable to their project and should submit contract renewal on an annual basis to renew contract.

The Section 8 Renewal Guide sets forth six renewal options from which a project owner may choose when renewing their expiring Section 8 contracts.

Option One (Mark-Up-To-Market)

Option Two (Other Contract Renewals with Current Rents at or Below Comparable Market Rents Option Three (Referral to the Office of Multifamily Housing Assistant Restructuring—OHAP) Option Four (Renewal of Projects Exempted from OHAP)

Option Five (Renewal of Portfolio Reengineering Demonstration or Preservation Projects)

Option Six (Opt-Outs)

Respondents: Business or other for profit and non profit.

Estimated Number of Respondents: 25,439.

Estimated Number of Responses: 25,439.

Frequency of Response: On occasion.

Average Hours per Response: 1 hour.

Total Estimated Burden: 24,680.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: May 4, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–09507 Filed 5–10–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Docket No. DOI–2017–0002]

Review of Certain National Monuments Established Since 1996; Notice of Opportunity for Public Comment

AGENCY: Office of the Secretary, Interior.

ACTION: Notice; Request for comments.

SUMMARY: The U.S. Department of the Interior is conducting a review of certain National Monuments designated or expanded since 1996 under the Antiquities Act of 1906 in order to implement Executive Order 13792 of April 26, 2017. The Secretary of the Interior will use the review to determine whether each designation or expansion conforms to the policy stated in the Executive Order and to formulate recommendations for Presidential actions, legislative proposals, or other appropriate actions to carry out that policy. This Notice identifies twenty-seven National Monuments under review and invites comments to inform the review.

DATES: To ensure consideration, written comments relating to the Bears Ears National Monument must be submitted before May 26, 2017. Written comments relating to all other National Monuments must be submitted before July 10, 2017.

ADDRESSES: You may submit written comments online at *http://www.regulations.gov* by entering ''DOI–2017–0002'' in the Search bar and clicking ''Search,'' or by mail to Monument Review, MS–1530, U.S. Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Randal Bowman, 202–208–1906, *RR_Bowman@ios.doi.gov.*

SUPPLEMENTARY INFORMATION: Executive Order 13792 of April 26, 2017 (82 FR 20429, May 1, 2017), directs the Secretary of the Interior to review certain National Monuments designated or expanded under the Antiquities Act of 1906, 54 U.S.C. 320301–320303 (Act). Specifically, Section 2 of the Executive Order directs the Secretary to conduct a review of all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, where the designation covers more than 100,000 acres, where the designation after expansion covers more than 100,000 acres, or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders, to determine whether each designation or expansion conforms to the policy set forth in section 1 of the order. Among other provisions, Section 1 states that designations should reflect the Act's ''requirements and original objectives'' and ''appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities.'' 82 FR 20429 (May 1, 2017).

In making the requisite determinations, the Secretary is directed to consider:

(i) The requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed ''the smallest area compatible with the proper care and management of the objects to be protected'';

(ii) whether designated lands are appropriately classified under the Act as ''historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest'';

(iii) the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries;

(iv) the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries;

(v) concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities;

(vi) the availability of Federal resources to properly manage designated areas; and

(vii) such other factors as the Secretary deems appropriate. 82 FR 20429–20430 (May 1, 2017).

The National Monuments being initially reviewed are listed in the following tables.

NATIONAL MONUMENTS BEING INITIALLY REVIEWED PURSUANT TO CRITERIA IN EXECUTIVE ORDER 13792

Monument	Location	Year(s)	Acreage
Basin and Range	Nevada	2015	703,585
Bears Ears	Utah	2016	1,353,000
Berryessa Snow Mountain	California	2015	330,780
Canyons of the Ancients	Colorado	2000	175,160
Carrizo Plain	California	2001	204,107
Cascade Siskiyou	Oregon	2000/2017	100,000
Craters of the Moon	Idaho	1924/2000	737,525
Giant Sequoia	California	2000	327,760
Gold Butte	Nevada	2016	296,937
Grand Canyon-Parashant	Arizona	2000	1,014,000
Grand Staircase-Escalante	Utah	1996	1,700,000
Hanford Reach	Washington	2000	194,450.93
Ironwood Forest	Arizona	2000	128,917
Mojave Trails	California	2016	1,600,000
Organ Mountains-Desert Peaks	New Mexico	2014	496,330
Rio Grande del Norte	New Mexico	2013	242,555
Sand to Snow	California	2016	154,000
San Gabriel Mountains	California	2014	346,177
Sonoran Desert	Arizona	2001	486,149
Upper Missouri River Breaks	Montana	2001	377,346
Vermilion Cliffs	Arizona	2000	279,568

NATIONAL MONUMENTS BEING REVIEWED TO DETERMINE WHETHER THE DESIGNATION OR EXPANSION WAS MADE WITHOUT ADEQUATE PUBLIC OUTREACH AND COORDINATION WITH RELEVANT STAKEHOLDERS

Katahadin Woods and Waters	Maine	2016	87,563

The Department of the Interior seeks public comments related to: (1) Whether national monuments in addition to those listed above should be reviewed because they were designated or expanded after January 1, 1996 ''without adequate public outreach and coordination with relevant stakeholders;'' and (2) the application of factors (i) through (vii) to the listed national monuments or to other Presidential designations or expansions of designations meeting the criteria of the Executive Order. With respect to factor (vii), comments should address other factors the Secretary might consider for this review.

In a separate but related process, certain Marine National Monuments will also be reviewed. As directed by section 4 of Executive Order 13795 of April 28, 2017, ''Implementing an America-First Offshore Energy Strategy'' (82 FR 20815, May 3, 2017), the Department of Commerce will lead the review of the Marine National Monuments in consultation with the Secretary of the Interior. To assist in that consultation, the Secretary will accept comments related to the application of factors (i) through (vii) in Executive Order 13792 as set forth above to the following Marine National Monuments:

MARINE NATIONAL MONUMENTS BEING REVIEWED PURSUANT TO EXECUTIVE ORDERS 13795 AND 13792

Marianas Trench	CNMI/Pacific Ocean	2009	60,938,240
Northeast Canyons and Seamounts	Atlantic Ocean	2016	3,114,320
Pacific Remote Islands	Pacific Ocean	2009	55,608,320
Papahanaumokuakea	Hawaii	2006/2016	89,600,000
Rose Atoll	American Samoa	2009	8,609,045

Before including your name, address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: E.O. 13792, 82 FR 20429 (May 1, 2017).

James Cason,

Special Assistant, Delegated the Functions, Duties, and Responsibilities of the Deputy Secretary.

[FR Doc. 2017–09490 Filed 5–10–17; 8:45 am]

BILLING CODE 4334–64–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–558 and 731–TA–1316 (Final)]

1-Hydroxyethylidene-1, 1-Diphosphonic Acid (''HEDP'') From China; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

(''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of 1-hydroxyethylidene-1, 1-diphosphonic acid (''HEDP'') from China, provided for in subheading 2931.90.90 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and to be subsidized by the government of China.

Background

The Commission, pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective March 31, 2016, following receipt of a petition filed with the Commission and Commerce by Compass Chemical International LLC, Smyrna, Georgia. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of HEDP from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on November 18, 2016 (81 FR 81805). The hearing was held in Washington, DC, on March 23, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on May 8, 2017. The views of the Commission are contained in USITC Publication 4686 (May 2017), entitled *1-Hydroxyethylidene-1, 1-Diphosphonic Acid (''HEDP'') from China: Investigation Nos. 701–TA–558 and 731–TA–1316 (Final).*

By order of the Commission.

Issued: May 8, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–09579 Filed 5–10–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1025]

Certain Silicon-on-Insulator Wafers; Commission Determination Not To Review an Initial Determination; Granting a Joint Unopposed Motion To Terminate the Investigation Based Upon Settlement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the initial determination (''ID'') (Order No. 17) granting a joint unopposed motion to terminate the investigation based upon a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–3438. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 25, 2016, based on a complaint filed by Silicon Genesis Corporation of Santa Clara, California (''SiGen''). 81 FR 73419–20 (Oct. 25, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (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 silicon-on insulator wafers by reason of infringement of certain claims of U.S. Patent Nos. 6,458,672, and 6,171,965. *Id.* at 73419. The notice of investigation named as respondent Soitec S.A. of Bernin, France (''Soitec''). *Id.* at 73420. The Office of Unfair Import Investigations (''OUII'') was also named as a party to the investigation. *Id.*

On March 31, 2017, SiGen and Soitec filed a joint motion to terminate the investigation based upon a settlement agreement. On April 6, 2017, OUII filed a response, supporting the motion.

On April 6, 2017, the presiding administrative law judge (''ALJ'') issued an ID, Order No. 17, granting the motion. The ALJ found that good cause exists for the termination and that termination serves the public interest. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 8, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–09580 Filed 5–10–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On May 2, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States* v. *PPG Industries Ohio, Inc.,* Civil Action No. 2:17–cv–00374.

The United States filed this action under the Clean Air Act (CAA) relating to PPG's resin manufacturing plant in Delaware, Ohio. The United States' complaint seeks civil penalties and injunctive relief for alleged violations of CAA requirements designed to limit emissions of hazardous air pollutants from equipment such as valves and open-ended lines, and requirements to reduce hazardous air pollutant emissions from storage tanks. Under the proposed Consent Decree, PPG will implement enhanced leak detection and repair measures and monitoring of storage tanks, and pay a civil penalty of $225,000.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should

refer to *United States* v. *PPG Industries Ohio, Inc.,* D.J. Ref. No. 90–5–2–1–10745. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email ..	*pubcomment-ees.enrd@usdoj.gov*
By mail	Acting Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $13.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section.

[FR Doc. 2017–09558 Filed 5–10–17; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF JUSTICE

[OMB Number 1123–0010]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Request for Registration Under the Gambling Devices Act of 1962

ACTION: 60-Day notice.

The Department of Justice (DOJ), Criminal Division, 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 proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 until July 10, 2017. This process is conducted in accordance with 5 CFR 1320.10.

If you have 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 Sandra A. Holland, U.S. Department of Justice, 950 Pennsylvania Avenue NW., Criminal Division, Office of Enforcement Operations, Gambling Device Registration Program, JCK Building, Washington, DC 20530–0001.

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 agencies 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:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Request for Registration Under the Gambling Devices Act of 1962.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: DOJ\CRM\OEO\GDR–1. Sponsoring component: Criminal Division, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Not-for-profit institutions, individuals or households, and State, Local or Tribal Government. The form can be used by any entity required to register under the Gambling Devices Act of 1962 (15 U.S.C. 1171–1178).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 7,800 respondents will complete each form within approximately 5 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 650 total annual 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: May 3, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–09562 Filed 5–10–17; 8:45 am]

BILLING CODE 4410–14–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 17–0014–CRB–AU]

Notice of Intent To Audit

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Public notice.

SUMMARY: The Copyright Royalty Judges announce receipt of a notice of intent to audit the 2015 and 2016 statements of account submitted by commercial webcaster Pandora Media, Inc. concerning the royalty payments it made pursuant to two statutory licenses.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, Program Specialist, by telephone at (202) 707–7658 or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: The Copyright Act, title 17 of the United States Code, grants to sound recordings copyright owners the exclusive right to publicly perform sound recordings by means of certain digital audio transmissions, subject to limitations. Specifically, the right is limited by the statutory license in section 114 which allows nonexempt noninteractive digital subscription services, eligible nonsubscription services, and preexisting satellite digital audio radio services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). In addition, a statutory license in section 112 allows a service to make necessary ephemeral reproductions to facilitate digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates

and terms for the section 112 and 114 licenses are codified in 37 CFR parts 380 and 382–84.

As one of the terms for these licenses, the Judges designated SoundExchange, Inc., as the Collective, *i.e.,* the organization charged with collecting the royalty payments and statements of account submitted by eligible nonexempt noninteractive digital subscription services such as Commercial Webcasters and with distributing the royalties to the copyright owners and performers entitled to receive them under the section 112 and 114 licenses. *See* 37 CFR 380.4(d).

As the Collective, SoundExchange may, only once a year, conduct an audit of a licensee for any or all of the prior three calendar years to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and deliver the notice to the licensee. *See* 37 CFR 380.6. The Judges must publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. *See* 37 CFR 380.6(c).

On April 17, 2017, SoundExchange filed with the Judges a notice of intent to audit Pandora Media, Inc., for the years 2015 and 2016. Today's notice fulfills the Judges' publication obligation with respect to SoundExchange's April 17, 2017 notice of intent to audit.

Dated: May 5, 2017.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2017–09546 Filed 5–10–17; 8:45 am]

BILLING CODE 1410–72–P

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Committee on Equal Opportunities in Science and Engineering (CEOSE) Advisory Committee Meeting (#1173).

DATE AND TIME:
June 9, 2017; 1:00 p.m.–5:30 p.m.
June 10, 2017; 8:30 a.m.–3:30 p.m.

PLACE: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

To help facilitate your entry into the building, please contact Vickie Fung (*vfung@nsf.gov*) on or prior to June 7, 2017.

TYPE OF MEETING: Open.

CONTACT PERSON: Dr. Bernice Anderson, Senior Advisor and CEOSE Executive Secretary, Office of Integrative Activities (OIA), National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Contact Information: 703–292–8040/*banderso@nsf.gov*.

MINUTES: Meeting minutes and other information may be obtained from the CEOSE Executive Secretary at the above address or the Web site at *https://www.nsf.gov/od/oia/activities/ceose/index.jsp.*

PURPOSE OF MEETING: To study data, programs, policies, and other information pertinent to the National Science Foundation and to provide advice and recommendations concerning broadening participation in science and engineering.

AGENDA:
- Opening Statement by the CEOSE Chair
- NSF Executive Liaison Report
- Presentation: NSF Big Idea—INCLUDES (Inclusion across the Nation of Communities of Learners of Underrepresented Discoverers in Engineering and Science)
- Presentation: NSF Big Idea—Work at the Human-Technology Frontier: Shaping the Future
- Working Sessions: 2015–2016 CEOSE Biennial Report to Congress—Dissemination Strategy
- Presentation: Women, Minorities, and Persons with Disabilities in Science and Engineering Digest 2017
- Discussion: Future CEOSE Activities
- Discussion: CEOSE Liaisons and Federal Liaisons Reports
- Meeting with NSF Director and Acting Chief Operating Officer

Dated: May 8, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–09566 Filed 5–10–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Computer and Information Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Advisory Committee for Computer and Information Science and Engineering (CISE) (1115).

DATE AND TIME:
June 14, 2017; 12:30 p.m. to 5:30 p.m.
June 15, 2017; 8:30 a.m. to 12:30 p.m.

PLACE: National Science Foundation, 4201 Wilson Boulevard, Suite 1235, Arlington, Virginia 22230.

TYPE OF MEETING: OPEN.

CONTACT PERSON: Brenda Williams, National Science Foundation, 4201 Wilson Boulevard, Suite 1105, Arlington, Virginia 22230; Telephone: 703–292–8900.

PURPOSE OF MEETING: To advise NSF on the impact of its policies, programs and activities on the CISE community. To provide advice to the NSF Assistant Director for CISE on issues related to long-range planning, and to form ad hoc subcommittees and working groups to carry out needed studies and tasks.

AGENDA:
Welcome and CISE updates
Program updates from CISE divisions
Discussion of undergraduate education in computer science
NSF Big Ideas discussion
Closing remarks and wrap-up

Dated: May 8, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–09564 Filed 5–10–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Advisory Committee for Education and Human Resources (#1119).

DATE AND TIME:
June 12, 2017; 8:00 a.m.–5:00 p.m.
June 13, 2017; 8:00 a.m.–3:00 p.m.

PLACE: National Science Foundation, 4201 Wilson Boulevard, Room 1235, Arlington, VA 22230.

To attend the meeting, all visitors must contact the Directorate for Education and Human Resources (EHR), Office of the Assistant Director (OAD) at 703–292–8600 or email (*ehr_ac@nsf.gov*) before noon, Friday, June 9, 2017, to arrange for a visitor's badge. All visitors must report to the NSF visitor desk located in the lobby at the 9th and N. Stuart Streets entrance at 4201 Wilson Blvd. on the day of the meeting to receive a visitor's badge. All visitors must present a valid state-issued identification card or passport to enter all federal buildings.

Meeting materials and minutes will also be available on the EHR Advisory Committee Web site at *https://www.nsf.gov/ehr/advisory.jsp.*

TYPE OF MEETING: Open.

CONTACT PERSON: Keaven M. Stevenson, National Science Foundation, 4201 Wilson Boulevard, Room 805, Arlington, VA 22230; (703) 292–8600; *kstevens@nsf.gov*.

SUMMARY OF MINUTES: May be obtained from Dr. Susan E. Brennan, National Science Foundation, 4201 Wilson Boulevard, Room 855, Arlington, VA 22230; (703) 292–5096; *SBrennan@nsf.gov.*

PURPOSE OF MEETING: To provide advice with respect to the Foundation's science, technology, engineering, and mathematics (STEM) education and human resources programming.

AGENDA: Agenda Topics.

Monday, June 12, 2017; 8:00 a.m.–5:00 p.m.

- Remarks by the Committee Chair and NSF Assistant Director for Education and Human Resources (EHR)
- EHR Investments in the STEM Workforce
- Lifelong Learning for a Skilled Technical Workforce
- The Many Faces of the STEM Workforce: Broadening Participation
- Increasing Public Ownership of Scientific Research
- Views from NSF's Research Directorates
- Discussion with NSF Director France Córdova

Tuesday June 13, 2017; 8:00 a.m.–3:00 p.m.

- Recommendations to EHR
- Committee of Visitor Reports
- Update on NSF INCLUDES
- Open Licensing: Status Report and Discussion
- Adjournment

Final agenda will be located at *https://www.nsf.gov/ehr/advisory.jsp*.

Dated: May 8, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–09565 Filed 5–10–17; 8:45 am]

BILLING CODE 7555–01–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* May 11, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 4, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 315 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–127, CP2017–180.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–09548 Filed 5–10–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* May 11, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 4, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 316 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–128, CP2017–181.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–09547 Filed 5–10–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–0213.

Extension:

Rule 611, SEC File No. 270–540, OMB Control No. 3235–0600.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 611 (17 CFR 242.611). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

- Rule 611 (17 CFR 242.611)—Order Protection Rule

On June 9, 2005, effective August 29, 2005 (*see* 70 FR 37496, June 29, 2005), the Commission adopted Rule 611 of Regulation NMS under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) to require any national securities exchange, national securities association, alternative trading system, exchange market maker, over-the-counter market maker, and any other broker-dealer that executes orders internally by trading as principal or crossing orders as agent, to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the execution of a transaction in its market at a price that is inferior to a bid or offer displayed in another market at the time of execution (a ''trade-though''), absent an applicable exception and, if relying on an exception, that are reasonably designed to assure compliance with the terms of the exception. Without this collection of information, respondents would not have a means to enforce compliance with the Commission's intention to prevent trade-throughs pursuant to the rule.

There are approximately 304 respondents [1] per year that will require an aggregate total of 18,240 hours to comply with this rule. It is anticipated that each respondent will continue to expend approximately 60 hours annually: Two hours per month of internal legal time and three hours per month of internal compliance time to ensure that its written policies and procedures are up-to-date and remain in

[1] This estimate includes twelve national securities exchanges and one national securities association that trade NMS stocks. The estimate also includes the approximately 255 firms that were registered equity market makers or specialists at year-end 2015, as well as 36 alternative trading systems that operate trading systems that trade NMS stocks.

compliance with Rule 611. The estimated cost for an in-house attorney is $396 per hour and the estimated cost for an assistant compliance director in the securities industry is $349 per hour. Therefore the estimated total cost of compliance for the annual hour burden is as follows: [(2 legal hours × 12 months × $396) × 304] + [(3 compliance hours × 12 months × $349) × 304] = $6,708,672.[2]

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: May 8, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09585 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

[2] The total cost of compliance for the annual hour burden has been revised to reflect updated estimated cost figures for an in-house attorney and an assistant compliance director. These figures are from SIFMA's *Management & Professional Earnings in the Securities Industry 2017,* modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80613; File No. SR–ISE–2017–37]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Complex Order Quoting

May 5, 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 26, 2017, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to designate that a symbol will not be eligible for Market Maker quotes in the complex order book after the symbol migrates to Nasdaq INET technology. In addition, that symbol will trade in price/time priority.

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Today, ISE permits Market Makers to enter quotes on certain symbols for complex strategies on the complex order book in their appointed options classes. Market Maker quotes for complex strategies are not automatically executed against bids and offers on the Exchange for the individual legs nor can they be marked for price improvement.[3] Market Makers are not required to enter quotes on the Exchange's complex order book. Quotes for complex orders are not subject to any quotation requirements that are applicable to Market Maker quotes in the regular market for individual options series or classes, nor is any volume executed in complex orders taken into consideration when determining whether Market Markers are meeting quotation obligations applicable to market maker quotes in the regular market for individual options series.

The Exchange proposes to designate that a symbol will not be eligible for Market Maker quotes in the complex order book after the symbol migrates to the INET platform. Specifically, the Exchange filed a proposal to begin the system migration to Nasdaq INET in Q2 of 2017.[4] The migration to INET will be on a symbol by symbol basis as specified by the Exchange in a notice to Members.[5] The Exchange is proposing to implement this rule change on the INET platform as the symbols migrate to that platform. Once a symbol moves to INET no complex quoting[6] will be available for that symbol and the symbol will be allocated in price/time priority.

INET is the proprietary core technology utilized across Nasdaq's global markets and utilized on The NASDAQ Options Market LLC (''NOM''), NASDAQ PHLX LLC (''Phlx'') and NASDAQ BX, Inc. (''BX'') (collectively, ''Nasdaq Exchanges''). The migration of ISE to the Nasdaq INET architecture would result in higher performance, scalability, and more robust architecture. With this system

[3] *See* Supplementary Material .03 to Rule 722.

[4] *See* Securities Exchange Act Release No. 80432 (April 11, 2017), 82 FR 18191 (April 17, 2017) (SR–ISE–2017–03) (Order Approving Proposed Rule Change, as Modified by Amendment No. 1, to Amend Various Rules in Connection with a System Migration to Nasdaq INET Technology).

[5] The Exchange will issue an Options Trader Alert prior to the migration and will specify the dates that symbols will migrate to the INET platform.

[6] The Exchange notes that Phlx does not offer complex order quoting functionality.

migration, the Exchange intends to adopt certain trading functionality currently utilized at Nasdaq Exchanges.[7]

The Exchange is staging the re-platform to provide maximum benefit to its Members while also ensuring a successful rollout. As symbols migrate to the INET functionality, the symbols that are currently enabled for Market Maker Quotes will become ineligible for complex quoting. This will provide the Exchange additional time to test and implement this functionality on the INET platform. The Exchange will issue an Options Trader Alert to all Members notifying them that complex order quoting functionality will no longer be available after a symbol migrates to INET.[8]

Within a year from the date of filing this rule change, the Exchange will offer complex quoting functionality on the ISE INET platform. Thereafter, Exchange may offer the complex quoting from time to time with notice to members. At the time the Exchange designates a symbol as available for complex quoting, it will also designate the allocation methodology for that symbol pursuant to ISE Rule 722(b)(3)(i).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest because the Exchange desires to rollout the complex order quoting functionality at a later date to allow additional time to rebuild this technology on the new platform.

Not offering the Market Maker quotes in the complex order book with the symbol migration to INET, will allow the Exchange additional time to test and implement this functionality. The Exchange will provide Members with ample notice of the turn-off of this functionality in an Options Trader Alert. The Exchange will continue to provide notification to Members to ensure clarity about the availability of this functionality with the symbol migration.

The Exchange is proposing to implement this rule change on the INET platform as the symbols migrate to that platform. Once a symbol moves to INET, no complex quoting[11] will be available for that symbol and the Exchange will specify that the allocation methodology for that symbol will be price/time. Within a year from the date of filing this rule change, the Exchange will offer complex quoting functionality on the ISE INET platform. Thereafter, the Exchange may offer the complex quoting for specified symbols from time to time with notice to members. At the time the Exchange designates a symbol as available for complex quoting, it will also designate the allocation methodology for that symbols pursuant to ISE Rule 722(b)(3)(i).

Even though the complex quoting functionality will not be available, Market Makers will still be able to submit complex orders. The Exchange does not anticipate any significant impact with respect to execution quality. The Exchange notes that Phlx does not offer complex order quoting functionality.[12]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impact the intense competition that exists in the options market. Members will be able to continue to submit complex orders on ISE; however Market Maker quotes in the complex order book will not be available after a symbol migrates to INET. The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because all Members uniformly will not be able to submit Market Maker quotes in the complex order book.

The Exchange is proposing to implement this rule change on the INET platform as the symbols migrate to that platform. Once a symbol moves to INET, no complex quoting[13] will be available for that symbol and the Exchange will specify the allocation methodology for that symbol as price/time. Within a year from the date of filing this rule change, the Exchange will offer complex quoting functionality on the ISE INET platform. Thereafter, the Exchange may offer the complex quoting for specified symbols from time to time with notice to members. At the time the Exchange designates a symbol as available for complex quoting, it will also designate the allocation methodology for that symbol pursuant to ISE Rule 722(b)(3)(i).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

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–ISE–2017–37 on the subject line.

[7] *See* note 4 above.

[8] Even though the complex quoting functionality will not be available, Market Makers will still be able to submit complex orders.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] The Exchange notes that Phlx does not offer complex order quoting functionality.

[12] *See* Phlx Rule 1098.

[13] The Exchange notes that Phlx does not offer complex order quoting functionality.

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–ISE–2017–37. 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–ISE–2017–37 and should be submitted on or before June 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09529 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80612; File No. SR–BatsBYX–2017–07]

Self-Regulatory Organizations; Bats BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.15 of Bats BYX Exchange, Inc. To Authorize the Exchange To Share a User's Risk Settings With the Clearing Member That Clears Transactions on Behalf of the User

May 5, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 24, 2017, Bats BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.15 to authorize the Exchange to share a User's[5] risk settings with the Clearing Member that clears transactions on behalf of the User.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to update Rule 11.15, Clearance and Settlement; Anonymity, to authorize the Exchange to share any of the User's risk settings with the Clearing Member that clears transactions on behalf of the User, and to capitalize the term ''Clearing Member''.

Current Exchange Rule 11.15 requires that all transactions passing through the facilities of the Exchange shall be cleared and settled through a Qualified Clearing Agency[6] using a continuous net settlement system. This requirement may be satisfied by direct participation, use of direct clearing services, or by entry into a correspondent clearing arrangement with another Member that clears trades through a Qualified Clearing Agency (''Clearing Member''). Rule 11.15 provides that if a Member clears transactions through another Member that is a Clearing Member,[7] such Clearing Member shall affirm to the Exchange in writing, through letter of authorization, letter of guarantee or other agreement acceptable to the Exchange, its agreement to assume responsibility for clearing and settling any and all trades executed by the Member designating it as its clearing firm. The rules of any such clearing agency shall govern with respect to the clearance and settlement of any transactions executed by the Member on the Exchange.

Thus, while not all Members are Clearing Members, all Members are required to either clear their own transactions or to have in place a relationship with a Clearing Member's that has agreed to clear transactions on their behalf (or on behalf of any Sponsored Participants[8] for which the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] A User is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(cc).

[6] Qualified Clearing Agency is defined as ''a clearing agency registered with the Commission pursuant to Section 17A of the Act that is deemed qualified by the Exchange.'' *See* Exchange Rule 1.5(u).

[7] The Exchange notes that it also proposes to amend Rule 11.15(a) to capitalize the term ''Clearing Member'' to ensure consistency within Exchange Rules.

[8] A Sponsored Participant is defined as ''a person which has entered into a sponsorship arrangement with a Sponsoring Member pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(x).

Member is a Sponsoring Member [9]) in order to conduct business on the Exchange. Each Member that transacts through a Clearing Member on the Exchange is required to execute a Letter of Guarantee which codifies the relationship between the Member and the Clearing Member as it relates to the Exchange, and provides the Exchange with notice of which Clearing Members have relationships with which Members. Because the Clearing Member that guarantees the Member's transactions on the Exchange has a financial interest in understanding the risk settings utilized within the System [10] by the Member, the Exchange is proposing to amend Rule 11.15 to authorize the Exchange to share any of the User's risk settings (as described below) with the Clearing Member that clears transactions on behalf of the User. The proposal would provide the Exchange with authority to directly provide Clearing Members with information that would otherwise be available to such Clearing Members by virtue of their relationship with the respective Users (*i.e.,* such Clearing Members could instead require each User to provide such information as a condition to continuing to clear transactions for such Users). At this time, the Exchange offers a variety of risk settings related to the size of an order (*e.g.,* maximum notional value per order and maximum shares per order), the order type (*e.g.,* pre-market, post-market, short sales and ISOs), restricted securities, easy to borrow securities, and order cut-off (*e.g.,* block new orders and cancel all open orders).[11] The Exchange proposes to codify these risk settings in proposed Interpretation and Policy .01 to Rule 11.13, as further described below, and to reference such Interpretation and Policy in proposed paragraph (f) of Rule 11.15.

Proposed Interpretation and Policy .01 to Rule 11.13 would state that the risk settings currently offered by the Exchange include:

- Controls related to the size of an order (including restrictions on the maximum notional value per order and maximum shares per order);
- controls related to the price of an order (including percentage-based and dollar-based controls);
- controls related to the order types or modifiers that can be utilized (including pre-market, post-market, short sales, ISOs and Directed ISOs);
- controls to restrict the types of securities transacted (including restricted securities and easy to borrow securities as well as restricting activity to test symbols only);
- controls to prohibit duplicative orders;
- controls to restrict the overall rate of orders; and
- controls related to the size of an order as compared to the average daily volume of the security (including the ability to specify the minimum average daily volume of the securities for which such controls will be activated); and
- credit controls measuring both gross and net exposure that warn when approached and, when breached, prevent submission of either all new orders or BYX market orders only.

In addition to these controls, the Exchange proposes to codify in proposed Interpretation and Policy .01 other risk functionality that: (i) Permits Users to block new orders submitted, to cancel all open orders, or to both block new orders and cancel all open orders; and (ii) that automatically cancels a User's orders to the extent the User loses its connection to the Exchange. As set forth above, the proposal to authorize the Exchange to share any of the User's risk settings with the Clearing Member that clears transactions on behalf of the User would be limited to the risk settings specified in Rule 11.13, Interpretation and Policy .01. The Exchange notes that the use by a User of the risk settings offered by the Exchange is optional.[12] By using these optional risk settings, following this proposed rule change a User therefore also opts-in to the Exchange sharing its designated risk settings with its Clearing Member. The Exchange also notes that any Member that does not wish to share its designated risk settings with its Clearing Member could avoid sharing such settings by becoming a Clearing Member.

The Exchange believes that its proposal to share a User's risk settings directly with Clearing Members reduces the administrative burden on participants on the Exchange, including both Clearing Members and Users, and ensures that Clearing Members are receiving information that is up to date and conforms to the settings active in the System. Further, the Exchange believes that the proposal will help such Clearing Members to better monitor and manage the potential risks that they assume when clearing for Users of the Exchange.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[13] In particular, the proposal is consistent with Section 6(b)(5) of the Act [14] because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

As set forth above, the proposed change to Rule 11.15 will allow the Exchange to directly provide a Member's designated risk settings to the Clearing Member that clears trades on behalf of the Member. Because a Clearing Member that executes a clearing Letter of Guarantee on behalf of a Member guarantees all transactions of that Member, and therefore bears the risk associated with those transactions, the Exchange believes that it is appropriate for the Clearing Member to have knowledge of what risk settings the Member may utilize within the System. The proposal will permit Clearing Members who have a financial interest in the risk settings of Members with whom the Clearing Participant has entered into a Letter of Guarantee to better monitor and manage the potential risks assumed by Clearing Members, thereby providing Clearing Members with greater control and flexibility over setting their own risk tolerance and exposure and aiding Clearing Members in complying with the Act. To the

[9] A Sponsoring Member is defined as ''a broker-dealer that has been issued a membership by the Exchange who has been designated by a Sponsored Participant to execute, clear and settle transactions resulting from the System. The Sponsoring Member shall be either (i) a clearing firm with membership in a clearing agency registered with the Commission that maintains facilities through which transactions may be cleared or (ii) a correspondent firm with a clearing arrangement with any such clearing firm.'' *See* Exchange Rule 1.5(y).

[10] System is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(aa).

[11] *See* Securities Exchange Act Release No. 68329 (November 30, 2012), 77 FR 72902 (December 6, 2012) (SR–BYX–2012–022) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Expand the Availability of Risk Management Tools).

[12] The Exchange does set a maximum allowable order rate threshold in order to ensure the integrity of the System. A User may optionally set a more restrictive order rate threshold but cannot override the Exchange's maximum threshold.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

extent a Clearing Member might reasonably require a Member to provide access to its risk setting as a prerequisite to continuing to clear trades on the Member's behalf, the Exchange's proposal to share those risk settings directly reduces the administrative burden on participants on the Exchange, including both Clearing Members and Users. The proposal also ensures that Clearing Members are receiving information that is up to date and conforms to the settings active in the System. The Exchange believes that the proposal is consistent with the Act, particularly Section 6(b)(5),[15] because it will foster cooperation and coordination with persons engaged in facilitating transactions in securities and more generally, will protect investors and the public interest, by reducing administrative burden on both Clearing Members and other Users and by allowing Clearing Members to better monitor their risk exposure.

The Exchange notes that the rule change to adopt paragraph (f) to Rule 11.15 is based on and substantively identical to Bats BZX Exchange Rule 21.17 (''BZX'') and Bats EDGX Exchange (''EDGX'') Rule 21.17, each of which is applicable to options participants of such exchanges. The Exchange also notes that other equities exchanges offer functionality that allows clearing firms to not only directly monitor but also to set certain risk settings in connection with the activities of the firms for which they clear.[16]

The Exchange further believes that codifying the risk settings described above in Interpretation and Policy .01 to Rule 11.13 is consistent with the Act as it will provide additional transparency to Exchange Users regarding the optional risk settings offered by the Exchange. As noted above, these settings have been described by the Exchange in prior filings [17] and further information regarding such settings is available in technical specifications made available by the Exchange. However, the Exchange believes it is appropriate to provide additional details regarding these risk settings in Exchange rules. As such, the Exchange believes that the proposal is consistent with the Act, particularly Section 6(b)(5),[18] because it will foster cooperation and coordination with persons engaged in facilitating transactions in securities and more generally, will protect investors and the public interest, by providing additional transparency regarding optional risk settings offered by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues and does not pose an undue burden on non-Clearing Members because, unlike Clearing Members, non-Clearing Members do not guarantee the execution of a Member's transactions on the Exchange. The proposal is structured to offer the same enhancement to all Clearing Members, regardless of size, and would not impose a competitive burden on any Member. Any Member that does not wish to share its designated risk settings with its Clearing Member could avoid sharing such settings by becoming a Clearing Member.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR-BatsBYX-2017–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR-BatsBYX-2017–07. 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 No. SR-BatsBYX-2017–07, and should be submitted on or before June 1, 2017.

[15] 15 U.S.C. 78f(b)(5).

[16] *See, e.g.,* Nasdaq Rules 6110 and 6120 relating to the Nasdaq Risk Management Service.

[17] *See supra* note 11.

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09528 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

''Investor Form'', SEC File No. 270–485, OMB Control No. 3235–0547.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request to approve the collection of information discussed below.

Each year the Commission receives several thousand contacts from investors who have complaints or questions on a wide range of investment-related issues. To make it easier for the public to contact the agency electronically, the Commission's Office of Investor Education and Advocacy (''OIEA'') created an electronic form (the Investor Form) that provides drop down options to choose from in order to categorize the investor's complaint or question, and may also provide the investor with automated information about their issue. The Investor Form asks investors to provide information concerning, among other things, their names, how they can be reached, the names of the individuals or entities involved, the nature of their complaint or tip, what documents they can provide, and what, if any, actions they have taken. Use of the Investor Form is voluntary. Absent the forms, the public still has several ways to contact the agency, including telephone, facsimile, letters, and email. Investors can access the Investor Form through the consolidated Investor Complaint and Question Web page.

The dual purpose of the Investor Form is to make it easier for the public to contact the agency with complaints, questions, tips, or other feedback and to streamline the workflow of Commission staff that record, process, and respond to investor contacts. Investors who submit complaints, ask questions, or provide tips do so voluntarily. Although the Investor Form provides a structured format for incoming investor correspondence, the Commission does not require that investors use any particular form or format when contacting the agency. Investors who choose not to use the Investor Form will receive the same level of service as those who do.

OIEA receives approximately 20,000 contacts each year through the Investor Form. Investors who choose not to use the Investor Form receive the same level of service as those who do. The Commission uses the information that investors supply on the Investor Form to review and process the contact (which may, in turn, involve responding to questions, processing complaints, or, as appropriate, initiating enforcement investigations), to maintain a record of contacts, to track the volume of investor complaints, and to analyze trends.

The staff of the Commission estimates that the total reporting burden for using the Investor Form is 5,000 hours. The calculation of this estimate depends on the number of investors who use the forms each year and the estimated time it takes to complete the forms: 20,000 respondents × 15 minutes = 5,000 burden hours.

Members of the public should be aware that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless a currently valid OMB control number is displayed. Background documentation for this information collection may be viewed at the following link, *http://www.reginfo.gov*. General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela C. Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St NE., Washington DC, 20549; or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: May 5, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09582 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80607; File No. SR–BatsEDGX–2017–16]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.13 of Bats EDGX Exchange, Inc. To Authorize the Exchange To Share a User's Risk Settings With the Clearing Firm That Clears Transactions on Behalf of the User

May 5, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 24, 2017, Bats EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.13, Clearance and Settlement; Anonymity, to authorize the Exchange to share a User's[5] risk settings with the clearing firm that clears transactions on behalf of the User.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] A User is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to update Rule 11.13, Clearance and Settlement; Anonymity, to authorize the Exchange to share any of the User's risk settings with the clearing firm that clears transactions on behalf of the User.

Current Exchange Rule 11.13 requires that all transactions passing through the facilities of the Exchange shall be cleared and settled through a registered clearing agency using a continuous net settlement system. This requirement may be satisfied by direct participation, use of direct clearing services, or by entry into a correspondent clearing arrangement with another Member that clears trades through such an agency (a ''Clearing Member'' for purposes of this filing).

Thus, while not all Members are Clearing Members, all Members are required to either clear their own transactions or to have in place a relationship with a Clearing Member's that has agreed to clear transactions on their behalf (or on behalf of any Sponsored Participants [6] for which the Member is a Sponsoring Member [7]) in order to conduct business on the Exchange. Each Member that transacts through a Clearing Member on the Exchange is required to execute a Letter of Guarantee which codifies the relationship between the Member and the Clearing Member as it relates to the Exchange, and provides the Exchange with notice of which Clearing Members have relationships with which Members. Because the Clearing Member that guarantees the Member's transactions on the Exchange has a financial interest in understanding the risk settings utilized within the System [8] by the Member, the Exchange is proposing to amend Rule 11.13 to authorize the Exchange to share any of the User's risk settings (as described below) with the Clearing Member that clears transactions on behalf of the User. The proposal would provide the Exchange with authority to directly provide Clearing Members with information that would otherwise be available to such Clearing Members by virtue of their relationship with the respective Users (*i.e.,* such Clearing Members could instead require each User to provide such information as a condition to continuing to clear transactions for such Users). At this time, the Exchange offers a variety of risk settings related to the size of an order (*e.g.,* maximum notional value per order and maximum shares per order), the order type (*e.g.,* pre-market, post-market, short sales and ISOs), restricted securities, easy to borrow securities, and order cut-off (*e.g.,* block new orders and cancel all open orders).[9] The Exchange proposes to codify these risk settings in proposed Interpretation and Policy .01 to Rule 11.10, as further described below, and to reference such Interpretation and Policy in proposed paragraph (f) of Rule 11.13.

Proposed Interpretation and Policy .01 to Rule 11.10 would state that the risk settings currently offered by the Exchange include:

- Controls related to the size of an order (including restrictions on the maximum notional value per order and maximum shares per order);
- controls related to the price of an order (including percentage-based and dollar-based controls);
- controls related to the order types or modifiers that can be utilized (including pre-market, post-market, short sales, ISOs and Directed ISOs);
- controls to restrict the types of securities transacted (including restricted securities and easy to borrow securities as well as restricting activity to test symbols only);
- controls to prohibit duplicative orders;
- controls to restrict the overall rate of orders; and
- controls related to the size of an order as compared to the average daily volume of the security (including the ability to specify the minimum average daily volume of the securities for which such controls will be activated); and
- credit controls measuring both gross and net exposure that warn when approached and, when breached, prevent submission of either all new orders or Market Orders only.

In addition to these controls, the Exchange proposes to codify in proposed Interpretation and Policy .01 other risk functionality that: (i) Permits Users to block new orders submitted, to cancel all open orders, or to both block new orders and cancel all open orders; and (ii) that automatically cancels a User's orders to the extent the User loses its connection to the Exchange. As set forth above, the proposal to authorize the Exchange to share any of the User's risk settings with the Clearing Member that clears transactions on behalf of the User would be limited to the risk settings specified in Rule 11.10, Interpretation and Policy .01. The Exchange notes that the use by a User of the risk settings offered by the Exchange is optional.[10] By using these optional risk settings, following this proposed rule change a User therefore also opts-in to the Exchange sharing its designated risk settings with its Clearing Member. The Exchange also notes that any Member that does not wish to share its designated risk settings with its Clearing Member could avoid sharing such settings by becoming a Clearing Member.

The Exchange believes that its proposal to share a User's risk settings directly with Clearing Members reduces the administrative burden on participants on the Exchange, including both Clearing Members and Users, and ensures that Clearing Members are receiving information that is up to date and conforms to the settings active in the System. Further, the Exchange believes that the proposal will help such Clearing Members to better monitor and manage the potential risks that they assume when clearing for Users of the Exchange.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the

[6] A Sponsored Participant is defined as ''a person which has entered into a sponsorship arrangement with a Sponsoring Member pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(z).

[7] A Sponsoring Member is defined as ''a broker-dealer that has been issued a membership by the Exchange who has been designated by a Sponsored Participant to execute, clear and settle transactions resulting from the System. The Sponsoring Member shall be either (i) a clearing firm with membership in a clearing agency registered with the Commission that maintains facilities through which transactions may be cleared or (ii) a correspondent firm with a clearing arrangement with any such clearing firm.'' *See* Exchange Rule 1.5(aa).

[8] System is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(cc).

[9] Securities Exchange Act Release No. 67266 (June 26, 2012), 77 FR 39300 (July 2, 2012) (SR–EDGX–2012–21) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to New Market Access Risk Management Service).

[10] The Exchange does set a maximum allowable order rate threshold in order to ensure the integrity of the System. A User may optionally set a more restrictive order rate threshold but cannot override the Exchange's maximum threshold.

requirements of Section 6(b) of the Act.[11] In particular, the proposal is consistent with Section 6(b)(5) of the Act [12] because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

As set forth above, the proposed change to Rule 11.13 will allow the Exchange to directly provide a Member's designated risk settings to the Clearing Member that clears trades on behalf of the Member. Because a Clearing Member that executes a clearing Letter of Guarantee on behalf of a Member guarantees all transactions of that Member, and therefore bears the risk associated with those transactions, the Exchange believes that it is appropriate for the Clearing Member to have knowledge of what risk settings the Member may utilize within the System. The proposal will permit Clearing Members who have a financial interest in the risk settings of Members with whom the Clearing Participant has entered into a Letter of Guarantee to better monitor and manage the potential risks assumed by Clearing Members, thereby providing Clearing Members with greater control and flexibility over setting their own risk tolerance and exposure and aiding Clearing Members in complying with the Act. To the extent a Clearing Member might reasonably require a Member to provide access to its risk setting as a prerequisite to continuing to clear trades on the Member's behalf, the Exchange's proposal to share those risk settings directly reduces the administrative burden on participants on the Exchange, including both Clearing Members and Users. The proposal also ensures that Clearing Members are receiving information that is up to date and conforms to the settings active in the System. The Exchange believes that the proposal is consistent with the Act, particularly Section 6(b)(5),[13] because it will foster cooperation and coordination with persons engaged in facilitating transactions in securities and more generally, will protect investors and the public interest, by reducing administrative burden on both Clearing Members and other Users and by allowing Clearing Members to better monitor their risk exposure.

The Exchange notes that the rule change to adopt paragraph (f) to Rule 11.13 is based on and substantively identical to Exchange Rule 21.17 and Bats BZX Exchange (''BZX'') Rule 21.17, each of which is applicable to options participants. The Exchange also notes that other equities exchanges offer functionality that allows clearing firms to not only directly monitor but also to set certain risk settings in connection with the activities of the firms for which they clear.[14]

The Exchange further believes that codifying the risk settings described above in Interpretation and Policy .01 to Rule 11.10 is consistent with the Act as it will provide additional transparency to Exchange Users regarding the optional risk settings offered by the Exchange. As noted above, these settings have been described by the Exchange in prior filings [15] and further information regarding such settings is available in technical specifications made available by the Exchange. However, the Exchange believes it is appropriate to provide additional details regarding these risk settings in Exchange rules. As such, the Exchange believes that the proposal is consistent with the Act, particularly Section 6(b)(5),[16] because it will foster cooperation and coordination with persons engaged in facilitating transactions in securities and more generally, will protect investors and the public interest, by providing additional transparency regarding optional risk settings offered by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues and does not pose an undue burden on non-Clearing Members because, unlike Clearing Members, non-Clearing Members do not guarantee the execution of a Member's transactions on the Exchange. The proposal is structured to offer the same enhancement to all Clearing Members, regardless of size, and would not impose a competitive burden on any Member. Any Member that does not wish to share its designated risk settings with its Clearing Member could avoid sharing such settings by becoming a Clearing Member.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) thereunder.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR BatsEDGX–2017–16 on the subject line.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b)(5).

[14] *See, e.g.,* Nasdaq Rules 6110 and 6120 relating to the Nasdaq Risk Management Service.

[15] *See supra* note 9.

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BatsEDGX–2017–16. 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 No. SR–BatsEDGX–2017–16, and should be submitted on or before June 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09523 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80608; File No. SR–BatsEDGA–2017–07]

Self-Regulatory Organizations; Bats EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.13 of Bats EDGA Exchange, Inc. To Authorize the Exchange To Share a User's Risk Settings With the Clearing Firm That Clears Transactions on Behalf of the User

May 5, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 24, 2017, Bats EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.13, Clearance and Settlement; Anonymity, to authorize the Exchange to share a User's[5] risk settings with the clearing firm that clears transactions on behalf of the User.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to update Rule 11.13, Clearance and Settlement; Anonymity, to authorize the Exchange to share any of the User's risk settings with the clearing firm that clears transactions on behalf of the User.

Current Exchange Rule 11.13 requires that all transactions passing through the facilities of the Exchange shall be cleared and settled through a registered clearing agency using a continuous net settlement system. This requirement may be satisfied by direct participation, use of direct clearing services, or by entry into a correspondent clearing arrangement with another Member that clears trades through such an agency (a ''Clearing Member'' for purposes of this filing).

Thus, while not all Members are Clearing Members, all Members are required to either clear their own transactions or to have in place a relationship with a Clearing Member's that has agreed to clear transactions on their behalf (or on behalf of any Sponsored Participants[6] for which the Member is a Sponsoring Member[7]) in order to conduct business on the Exchange. Each Member that transacts through a Clearing Member on the Exchange is required to execute a Letter of Guarantee which codifies the relationship between the Member and the Clearing Member as it relates to the Exchange, and provides the Exchange with notice of which Clearing Members have relationships with which Members. Because the Clearing Member that guarantees the Member's transactions on the Exchange has a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] A User is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[6] A Sponsored Participant is defined as ''a person which has entered into a sponsorship arrangement with a Sponsoring Member pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(z).

[7] A Sponsoring Member is defined as ''a broker-dealer that has been issued a membership by the Exchange who has been designated by a Sponsored Participant to execute, clear and settle transactions resulting from the System. The Sponsoring Member shall be either (i) a clearing firm with membership in a clearing agency registered with the Commission that maintains facilities through which transactions may be cleared or (ii) a correspondent firm with a clearing arrangement with any such clearing firm.'' *See* Exchange Rule 1.5(aa).

financial interest in understanding the risk settings utilized within the System [8] by the Member, the Exchange is proposing to amend Rule 11.13 to authorize the Exchange to share any of the User's risk settings (as described below) with the Clearing Member that clears transactions on behalf of the User. The proposal would provide the Exchange with authority to directly provide Clearing Members with information that would otherwise be available to such Clearing Members by virtue of their relationship with the respective Users (*i.e.,* such Clearing Members could instead require each User to provide such information as a condition to continuing to clear transactions for such Users). At this time, the Exchange offers a variety of risk settings related to the size of an order (*e.g.,* maximum notional value per order and maximum shares per order), the order type (*e.g.,* pre-market, post-market, short sales and ISOs), restricted securities, easy to borrow securities, and order cut-off (*e.g.,* block new orders and cancel all open orders).[9] The Exchange proposes to codify these risk settings in proposed Interpretation and Policy .01 to Rule 11.10, as further described below, and to reference such Interpretation and Policy in proposed paragraph (f) of Rule 11.13.

Proposed Interpretation and Policy .01 to Rule 11.10 would state that the risk settings currently offered by the Exchange include:

- Controls related to the size of an order (including restrictions on the maximum notional value per order and maximum shares per order);
- controls related to the price of an order (including percentage-based and dollar-based controls);
- controls related to the order types or modifiers that can be utilized (including pre-market, post-market, short sales, ISOs and Directed ISOs);
- controls to restrict the types of securities transacted (including restricted securities and easy to borrow securities as well as restricting activity to test symbols only);
- controls to prohibit duplicative orders;
- controls to restrict the overall rate of orders; and
- controls related to the size of an order as compared to the average daily volume of the security (including the ability to specify the minimum average daily volume of the securities for which such controls will be activated); and
- credit controls measuring both gross and net exposure that warn when approached and, when breached, prevent submission of either all new orders or Market Orders only.

In addition to these controls, the Exchange proposes to codify in proposed Interpretation and Policy .01 other risk functionality that: (i) Permits Users to block new orders submitted, to cancel all open orders, or to both block new orders and cancel all open orders; and (ii) that automatically cancels a User's orders to the extent the User loses its connection to the Exchange. As set forth above, the proposal to authorize the Exchange to share any of the User's risk settings with the Clearing Member that clears transactions on behalf of the User would be limited to the risk settings specified in Rule 11.10, Interpretation and Policy .01. The Exchange notes that the use by a User of the risk settings offered by the Exchange is optional.[10] By using these optional risk settings, following this proposed rule change a User therefore also opts-in to the Exchange sharing its designated risk settings with its Clearing Member. The Exchange also notes that any Member that does not wish to share its designated risk settings with its Clearing Member could avoid sharing such settings by becoming a Clearing Member.

The Exchange believes that its proposal to share a User's risk settings directly with Clearing Members reduces the administrative burden on participants on the Exchange, including both Clearing Members and Users, and ensures that Clearing Members are receiving information that is up to date and conforms to the settings active in the System. Further, the Exchange believes that the proposal will help such Clearing Members to better monitor and manage the potential risks that they assume when clearing for Users of the Exchange.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[11] In particular, the proposal is consistent with Section 6(b)(5) of the Act[12] because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

As set forth above, the proposed change to Rule 11.13 will allow the Exchange to directly provide a Member's designated risk settings to the Clearing Member that clears trades on behalf of the Member. Because a Clearing Member that executes a clearing Letter of Guarantee on behalf of a Member guarantees all transactions of that Member, and therefore bears the risk associated with those transactions, the Exchange believes that it is appropriate for the Clearing Member to have knowledge of what risk settings the Member may utilize within the System. The proposal will permit Clearing Members who have a financial interest in the risk settings of Members with whom the Clearing Participant has entered into a Letter of Guarantee to better monitor and manage the potential risks assumed by Clearing Members, thereby providing Clearing Members with greater control and flexibility over setting their own risk tolerance and exposure and aiding Clearing Members in complying with the Act. To the extent a Clearing Member might reasonably require a Member to provide access to its risk setting as a prerequisite to continuing to clear trades on the Member's behalf, the Exchange's proposal to share those risk settings directly reduces the administrative burden on participants on the Exchange, including both Clearing Members and Users. The proposal also ensures that Clearing Members are receiving information that is up to date and conforms to the settings active in the System. The Exchange believes that the proposal is consistent with the Act, particularly Section 6(b)(5),[13] because it will foster cooperation and coordination with persons engaged in facilitating transactions in securities and more generally, will protect investors and the public interest, by reducing administrative burden on both Clearing Members and other Users and by

[8] System is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(cc).

[9] Securities Exchange Act Release No. 67265 (June 26, 2012), 77 FR 39302 (July 2, 2012) (SR–EDGA–2012–23) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to New Market Access Risk Management Service).

[10] The Exchange does set a maximum allowable order rate threshold in order to ensure the integrity of the System. A User may optionally set a more restrictive order rate threshold but cannot override the Exchange's maximum threshold.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b)(5).

allowing Clearing Members to better monitor their risk exposure.

The Exchange notes that the rule change to adopt paragraph (f) to Rule 11.13 is based on and substantively identical to Bats BZX Exchange Rule 21.17 (''BZX'') and Bats EDGX Exchange (''EDGX'') Rule 21.17, each of which is applicable to options participants of such exchanges. The Exchange also notes that other equities exchanges offer functionality that allows clearing firms to not only directly monitor but also to set certain risk settings in connection with the activities of the firms for which they clear.[14]

The Exchange further believes that codifying the risk settings described above in Interpretation and Policy .01 to Rule 11.10 is consistent with the Act as it will provide additional transparency to Exchange Users regarding the optional risk settings offered by the Exchange. As noted above, these settings have been described by the Exchange in prior filings [15] and further information regarding such settings is available in technical specifications made available by the Exchange. However, the Exchange believes it is appropriate to provide additional details regarding these risk settings in Exchange rules. As such, the Exchange believes that the proposal is consistent with the Act, particularly Section 6(b)(5),[16] because it will foster cooperation and coordination with persons engaged in facilitating transactions in securities and more generally, will protect investors and the public interest, by providing additional transparency regarding optional risk settings offered by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues and does not pose an undue burden on non-Clearing Members because, unlike Clearing Members, non-Clearing Members do not guarantee the execution of a Member's transactions on the Exchange. The proposal is structured to offer the same enhancement to all Clearing Members, regardless of size, and would not impose a competitive burden on any Member. Any Member that does not wish to share its designated risk settings with its Clearing Member could avoid sharing such settings by becoming a Clearing Member.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) thereunder.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BatsEDGA–2017–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BatsEDGA–2017–07. 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 No. SR–BatsEDGA–2017–07, and should be submitted on or before June 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09524 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services 100 F Street NE., Washington, DC 20549–2736.

Extension:

[14] *See, e.g.,* Nasdaq Rules 6110 and 6120 relating to the Nasdaq Risk Management Service.

[15] *See supra* note 9.

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[19] 17 CFR 200.30–3(a)(12).

Rule 203A–2(e), SEC File No. 270–501, OMB Control No. 3235–0559.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension and approval of the previously approved collection of information discussed below.

Rule 203A–2(e),[1] which is entitled ''Internet Investment Advisers,'' exempts from the prohibition on Commission registration an Internet investment adviser who provides investment advice to all of its clients exclusively through computer software-based models or applications termed under the rule as ''interactive Web sites.'' [2] These advisers generally would not meet the statutory thresholds currently set out in section 203A of the Advisers Act [3]—they do not manage $25 million or more in assets and do not advise registered investment companies, or they manage between $25 million and $100 million in assets, do not advise registered investment companies or business development companies, and are required to be registered as investment advisers with the states in which they maintain their principal offices and places of business and are subject to examination as an adviser by such states.[4] Eligibility under rule 203A–2(e) is conditioned on an adviser maintaining in an easily accessible place, for a period of not less than five years from the filing of Form ADV,[5] a record demonstrating that the adviser's advisory business has been conducted through an interactive Web site in accordance with the rule.[6]

This record maintenance requirement is a ''collection of information'' for PRA purposes. The Commission believes that approximately 144 advisers are registered with the Commission under rule 203A–2(e), which involves a recordkeeping requirement of approximately four burden hours per year per adviser and results in an estimated 576 of total burden hours (4 × 144) for all advisers.

This collection of information is mandatory, as it is used by Commission staff in its examination and oversight program in order to determine continued Commission registration eligibility of advisers registered under this rule. Responses generally are kept confidential pursuant to section 210(b) of the Advisers Act.[7] An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: May 5, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09584 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 17 CFR 275.203A–2(e).

[2] Included in rule 203A–2(e) is a limited exception to the interactive Web site requirement which allows these advisers to provide investment advice to fewer than 15 clients through other means on an annual basis. 17 CFR 275.203A–2(e)(1)(i). The rule also precludes advisers in a control relationship with an SEC-registered Internet adviser from registering with the Commission under the common control exemption provided by rule 203A–2(b) (17 CFR 275.203A–2(b)). 17 CFR 275.203A–2(e)(1)(iii).

[3] 15 U.S.C. 80b–3a(a).

[4] *Id.*

[5] The five-year record retention period is a similar recordkeeping retention period as imposed on all advisers under rule 204–2 of the Advisers Act. See rule 204–2 (17 CFR 275.204–2).

[6] 17 CFR 275.203A–2(e)(1)(ii).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80616; File No. SR–NYSEMKT–2017–13]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Amending Rule 968NY To Make Permanent a Program That Allows Cabinet Trade Transactions To Take Place at a Price Below $1 Per Option Contract

May 5, 2017.

I. Introduction

On March 2, 2017, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') 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 amending the Exchange's rules to make permanent a program that allows transactions to take place in open outcry trading at prices of at least $0 but less than $1 per option contract (''sub-dollar cabinet trades''). The proposed rule change was published for comment in the **Federal Register** on March 23, 2017.[3] On April 25, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission received no comment letters on the proposed rule change. This order provides notice of filing of Amendment No. 1 and approves the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change

Prior to 2010, Exchange Rule 968NY (Cabinet Trades (Accommodation Transactions)) allowed cabinet trade transactions at a price of $1 per option contract to occur in open outcry trading for certain classes.[5] In 2010, the Exchange amended Rule 968NY on a pilot basis to allow sub-dollar cabinet trades to take place at prices of at least $0 but less than $1 per option contract.[6] The Exchange now proposes to amend Rule 968NY to make permanent its sub-dollar cabinet trade pilot program, which currently is scheduled to expire on July 5, 2017.[7]

[7] 15 U.S.C. 80b–10(b).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80272 (March 17, 2017), 82 FR 14936 (March 23, 2017) (''Notice'').

[4] In Amendment No. 1, the Exchange provided supplemental background detail on its proposal, including a summary of why it initially put the program on a pilot, a description of the systems enhancements it made to be able to process cabinet trades in the regular course, an example of how a cabinet trade is done on the trading floor, and a representation that, to its knowledge, neither the Options Clearing Corporation (''OCC'') nor the Exchange's members have reported any operational issues in connection with cabinet trades. To promote transparency of its proposed amendment, when NYSE MKT filed Amendment No. 1 with the Commission, it also submitted Amendment No. 1 as a comment letter to the file, which the Commission posted on its Web site and placed in the public comment file for SR–NYSEMKT–2017–13 (available at *https://www.sec.gov/comments/sr-nysemkt-2017-13/nysemkt201713.htm*). The Exchange also posted a copy of its Amendment No. 1 on its Web site (*https://www.nyse.com/regulation/rule-filings*) when it filed it with the Commission.

[5] *See* Rule 968NY. *See also* Notice, *supra* note 3, at 14936 (discussing Rule 968NY).

[6] *See* Securities Exchange Act Release No. 63475 (December 8, 2010), 75 FR 77932 (December 14, 2010) (SR–NYSEAmex–2010–114).

[7] *See* Commentary .01 to Rule 968NY. *See also* Securities Exchange Act Release No. 79564 (December 15, 2016), 81 FR 93716 (December 21, 2016) (SR–NYSEMKT–2016–116).

The Exchange permits sub-dollar cabinet trade transactions to be traded pursuant to the same procedures applicable to $1 cabinet trades, except that for sub-dollar cabinet trades (i) bids and offers for opening transactions are permitted only to accommodate closing transactions, and (ii) transactions in option classes participating in the Penny Pilot Program are permitted.[8] As it explained in the Notice, the Exchange believes that ''allowing trading at a price of at least $0 but less than $1 better accommodates the closing of options positions in series that are worthless or not actively traded, particularly when there has been a significant move in the price of the underlying security, resulting in a large number of series being out-of-the-money.'' [9]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act [10] and the rules and regulations thereunder applicable to a national securities exchange.[11] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[12] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In the Notice, as amended, the Exchange explains that it initially put the sub-dollar cabinet trade rule on a pilot so that it could ''evaluate the efficacy of the change and to address any operational issues that might arise in processing [c]abinet trades.'' [13] During the course of the pilot, the Exchange made enhancements to its system to accommodate cabinet trades at a price as small as $0.00000001.[14] With that systems change, and based on its experience with these types of trades, the Exchange notes that its systems now ''allow it to process [c]abinet trades in a manner similar to how all other trades are processed by the Exchange.'' [15]

In support of making the pilot program permanent, the Exchange represents that ''there are no operational issues in processing and clearing [c]abinet trades in penny and sub-penny increments.'' [16] The Exchange also represents that ''ATP Holders have not raised any concerns with the current method of processing of [c]abinet trades.'' [17] Finally, the Exchange represents that it is ''not aware of the Options Clearing Corporation (''OCC'') having operational issues with processing [c]abinet trades submitted by the Exchange.'' [18]

Based on the representations of the Exchange, the Commission believes that permanent approval of the sub-dollar cabinet trade pilot is consistent with the Act. In particular, the Commission notes that the Exchange has made the necessary systems changes to accommodate sub-dollar cabinet trades into its regular trading infrastructure, and thus is able to process such trades in the normal course. Further, the Exchange has not observed any issues or concerns with sub-dollar cabinet trades at the Exchange level or with and among its members or in processing the trades through OCC. Accordingly, the Exchange's rule appears reasonably designed to remove impediments, prevent fraudulent and manipulative acts and practices, and foster cooperation and coordination with persons engaged in facilitating transactions in securities. Further, permanent approval will continue to provide investors with choice when considering a cabinet trade, including the ability to price such trades below $1 per contract.

IV. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 to 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–NYSEMKT–2017–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2017–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2017–13, and should be submitted on or before June 1, 2017.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of the amended proposal in the **Federal Register**. In Amendment No. 1, NYSE MKT provided supplemental background detail on why the sub-dollar cabinet

[8] *See* Commentary .01 to Rule 968NY. *See also* Notice, *supra* note 3, at 14937 (discussing the pilot).

[9] Notice, *supra* note 3, at 14937.

[10] 15 U.S.C. 78f.

[11] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78f(b)(5).

[13] Amendment No. 1, *supra* note 4.

[14] *See id.*

[15] *Id. See also* Notice, *supra* note 3, at 14937 (noting that ''in 2016, there were a total of 222 Cabinet trades. Of these, 148 trades comprising 112,257 contracts were executed at a price of $0.01, while the remaining 74 trades comprising 165,868 contracts were executed for a premium of less than $0.01'').

[16] Notice, *supra* note 3, at 14937.

[17] Amendment No. 1, *supra* note 4.

[18] *Id.*

trade provision was put on a pilot initially, described the systems changes that the Exchange made to be able to process cabinet trades, and represented its understanding that neither OCC nor the Exchange's members have reported any operational issues in connection with cabinet trades.[19] The additional information contained in Amendment No. 1 provides further support for the Exchange's proposal, is consistent with the proposal as initially filed, and does not introduce any new provisions or novel arguments in support of the proposal. Further, the Commission notes that it did not receive any comment letters on the Exchange's proposal. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[20] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–NYSEMKT–2017–13), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09532 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 15b6–1 and Form BDW, SEC File No. 270–17, OMB Control No. 3235–0018.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 15b6–1 (17 CFR 240.15b6–1), under the Securities Exchange Act of 1934 (15 U.S.C 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Registered broker-dealers use Form BDW (17 CFR 249.501a) to withdraw from registration with the Commission, the self-regulatory organizations, and the states. On average, the Commission estimates that it would take a broker-dealer approximately one hour to complete and file a Form BDW to withdraw from Commission registration as required by Rule 15b6–1. The Commission estimates that approximately 380 broker-dealers withdraw from Commission registration annually [1] and, therefore, file a Form BDW via the internet with the Central Registration Depository, a computer system operated by the Financial Industry Regulatory Authority, Inc. that maintains information regarding registered broker-dealers and their registered personnel. The 380 broker-dealers that withdraw from registration by filing Form BDW would incur an aggregate annual reporting burden of approximately 380 hours.[2]

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington DC 20549, or send an email to: *PRA_Mailbox@sec.gov*.

Dated: May 8, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09583 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80609; File No. SR–CBOE–2017–019]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Related to Complex Orders

May 5, 2017.

On March 7, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''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 amend its rules with respect to orders in open outcry to modify the ratios a complex order must meet to be considered eligible for complex order priority and permitted to be expressed in any net price increment that is not be less than $0.01. The Exchange also proposes to amend its rules to provide that if a complex order would trade in open outcry at the same net debit or credit price as another complex order, priority would go first to public customer orders in the Exchange's complex order book (''COB''), then to complex order bids and offers represented in the trading crowd, and then to all other orders and quotes in the COB.[3] Finally, the Exchange proposes to simplify the definitions of the complex order types that may be made available on a class-by-class basis and remove references to certain specific complex order types that will no longer be defined. The proposed rule change was published for comment in

[19] *See* Amendment No. 1, *supra* note 4. *See also supra* note 4 (noting that the Exchange submitted Amendment No. 1 as a comment letter to the file, which the Commission posted on its Web site and placed in the public comment file).

[20] 15 U.S.C. 78s(b)(2).

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

[1] This estimate is based on Form BDW data collected over the past three years for fully registered broker-dealers. This estimate is based on the numbers of forms filed; therefore, the number may include multiple forms per broker-dealer if the broker-dealer's initial filing was incomplete. In fiscal year (from 10/1 through 9/30) 2014, 454 broker-dealers withdrew from registration. In fiscal year 2015, 327 broker-dealers withdrew from registration. In fiscal year 2016, 360 broker-dealers withdrew from registration. (454 + 327 + 360) /3 = 380.

[2] (380 × 1 hour) = 380 hours.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange has represented that this methodology for prioritizing multiple complex orders for open outcry trading is consistent with the methodology applicable for prioritizing multiple simple orders for open outcry trading and how the Exchange has interpreted and applied complex order priority. *See* Notice, *infra* note 4, at 15087.

the **Federal Register** on March 24, 2017.[4] The Commission received no comments on the proposal.

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is May 8, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period to take action on the proposed rule change so that it has sufficient time to consider the Exchange's proposed rule change. Accordingly, pursuant to Section 19(b)(2) of the Act,[6] the Commission designates June 22, 2017 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09525 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

[4] *See* Securities Exchange Act Release No. 80279 (March 20, 2017), 82 FR 15085 (''Notice'').

[5] 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80615; File No. SR–NYSEArca–2017–24]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Amending Rule 6.80 To Make Permanent a Program That Allows Cabinet Trade Transactions To Take Place at a Price Below $1 Per Option Contract

May 5, 2017.

I. Introduction

On March 2, 2017, NYSE Arca, Inc. (the ''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 amending the Exchange's rules to make permanent a program that allows transactions to take place in open outcry trading at prices of at least $0 but less than $1 per option contract (''sub-dollar cabinet trades''). The proposed rule change was published for comment in the **Federal Register** on March 23, 2017.[3] On April 25, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission received no comment letters on the proposed rule change. This order provides notice of filing of Amendment No. 1 and approves the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80271 (March 17, 2017), 82 FR 14934 (March 23, 2017) (''Notice'').

[4] In Amendment No. 1, the Exchange provided supplemental background detail on its proposal, including a summary of why it initially put the program on a pilot, a description of the systems enhancements it made to be able to process cabinet trades in the regular course, an example of how a cabinet trade is done on the trading floor, and a representation that, to its knowledge, neither the Options Clearing Corporation (''OCC'') nor the Exchange's members have reported any operational issues in connection with cabinet trades. To promote transparency of its proposed amendment, when NYSE Arca filed Amendment No. 1 with the Commission, it also submitted Amendment No. 1 as a comment letter to the file, which the Commission posted on its Web site and placed in the public comment file for SR–NYSEArca-2017–24 (available at *https://www.sec.gov/comments/sr-nysearca-2017-24/nysearca201724.htm*). The Exchange also posted a copy of its Amendment No. 1 on its Web site (*https://www.nyse.com/regulation/rule-filings*) when it filed it with the Commission.

II. Description of the Proposed Rule Change

Prior to 2010, Exchange Rule 6.80 (Accommodation Transactions (Cabinet Trades)) allowed cabinet trade transactions at a price of $1 per option contract to occur in open outcry trading for certain classes.[5] In 2010, the Exchange amended Rule 6.80 on a pilot basis to allow sub-dollar cabinet trades to take place at prices of at least $0 but less than $1 per option contract.[6] The Exchange now proposes to amend Rule 6.80 to make permanent its sub-dollar cabinet trade pilot program, which currently is scheduled to expire on July 5, 2017.[7]

The Exchange permits sub-dollar cabinet trade transactions to be traded pursuant to the same procedures applicable to $1 cabinet trades, except that for sub-dollar cabinet trades (i) bids and offers for opening transactions are permitted only to accommodate closing transactions, and (ii) transactions in option classes participating in the Penny Pilot Program are permitted.[8] As it explained in the Notice, the Exchange believes that ''allowing trading at a price of at least $0 but less than $1 better accommodates the closing of options positions in series that are worthless or not actively traded, particularly when there has been a significant move in the price of the underlying security, resulting in a large number of series being out-of-the-money.''[9]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act[10] and the rules and regulations thereunder applicable to a national securities exchange.[11] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[12] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and

[5] *See* Rule 6.80. *See also* Notice, *supra* note 3, at 14935 (discussing Rule 6.80).

[6] *See* Securities Exchange Act Release No. 63476 (December 8, 2010), 75 FR 77930 (December 14, 2010) (SR–NYSEArca–2010–109).

[7] *See* Commentary .01 to Rule 6.80. *See also* Securities Exchange Act Release No. 79565 (December 15, 2016), 81 FR 93723 (December 21, 2016) (SR–NYSEArca–2016–163).

[8] *See* Commentary .01 to Rule 6.80. *See also* Notice, *supra* note 3, at 14935 (discussing the pilot).

[9] Notice, *supra* note 3, at 14935.

[10] 15 U.S.C. 78f.

[11] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78f(b)(5).

manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In the Notice, as amended, the Exchange explains that it initially put the sub-dollar cabinet trade rule on a pilot so that it could ''evaluate the efficacy of the change and to address any operational issues that might arise in processing [c]abinet trades.'' [13] During the course of the pilot, the Exchange made enhancements to its system to accommodate cabinet trades at a price as small as $0.00000001.[14] With that systems change, and based on its experience with these types of trades, the Exchange notes that its systems now ''allow it to process [c]abinet trades in a manner similar to how all other trades are processed by the Exchange.'' [15]

In support of making the pilot program permanent, the Exchange represents that ''there are no operational issues in processing and clearing [c]abinet trades in penny and sub-penny increments.'' [16] The Exchange also represents that ''OTP Holders and OTP Firms have not raised any concerns with the current method of processing of [c]abinet trades.'' [17] Finally, the Exchange represents that it is ''not aware of the Options Clearing Corporation (''OCC'') having operational issues with processing [c]abinet trades submitted by the Exchange.'' [18]

Based on the representations of the Exchange, the Commission believes that permanent approval of the sub-dollar cabinet trade pilot is consistent with the Act. In particular, the Commission notes that the Exchange has made the necessary systems changes to accommodate sub-dollar cabinet trades into its regular trading infrastructure, and thus is able to process such trades in the normal course. Further, the Exchange has not observed any issues or concerns with sub-dollar cabinet trades at the Exchange level or with and among its members or in processing the trades through OCC. Accordingly, the Exchange's rule appears reasonably designed to remove impediments, prevent fraudulent and manipulative acts and practices, and foster cooperation and coordination with persons engaged in facilitating transactions in securities. Further, permanent approval will continue to provide investors with choice when considering a cabinet trade, including the ability to price such trades below $1 per contract.

IV. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 to the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca-2017–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca-2017–24, and should be submitted on or before June 1, 2017.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of the amended proposal in the **Federal Register**. In Amendment No. 1, NYSE Arca provided supplemental background detail on why the sub-dollar cabinet trade provision was put on a pilot initially, described the systems changes that the Exchange made to be able to process cabinet trades, and represented its understanding that neither OCC nor the Exchange's members have reported any operational issues in connection with cabinet trades.[19] The additional information contained in Amendment No. 1 provides further support for the Exchange's proposal, is consistent with the proposal as initially filed, and does not introduce any new provisions or novel arguments in support of the proposal. Further, the Commission notes that it did not receive any comment letters on the Exchange's proposal. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[20] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–NYSEArca–2017–24), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis.

[13] Amendment No. 1, *supra* note 4.

[14] *See id.*

[15] *Id. See also* Notice, *supra* note 3, at 14935 (noting that ''in 2016, there were a total of 558 cabinet trades'' on the Exchange. ''Of these, 50 trades comprising 47,106 contracts were executed at a price of $0.01, while the remaining 508 trades comprising 208,078 contracts were executed for a premium of less than $0.01'').

[16] Notice, *supra* note 3, at 14935.

[17] Amendment No. 1, *supra* note 4.

[18] *Id.*

[19] *See* Amendment No. 1, *supra* note 4. *See also supra* note 4 (noting that the Exchange submitted Amendment No. 1 as a comment letter to the file, which the Commission posted on its Web site and placed in the public comment file).

[20] 15 U.S.C. 78s(b)(2).

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09531 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80614; File No. SR–NASDAQ–2017–029]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Granting Approval of Proposed Rule Change, as Modified by Amendment Nos. 2, 3, and 4, to List and Trade Shares of the Gabelli Small Cap Growth Fund and the Gabelli RBI Fund Under Nasdaq Rule 5745

May 5, 2017.

I. Introduction

On March 17, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') 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 common shares (''Shares'') of the Gabelli Small Cap Growth NextShares™ (''Gabelli Small Cap Growth Fund'') and the Gabelli RBI NextShares™ (''Gabelli RBI Fund'') (each, a ''Fund,'' and collectively, the ''Funds'') under Nasdaq Rule 5745. The proposed rule change was published for comment in the **Federal Register** on March 31, 2017.[3] On April 13, 2017, the Exchange filed Amendment No. 2 to the proposed rule change; on April 24, 2017, the Exchange filed Amendment No. 3 to the proposed rule change; and on May 3, 2017, the Exchange filed Amendment No. 4 to the proposed rule change.[4] The Commission received no comments on the proposed rule change. This order grants approval of the proposed rule change, as modified by Amendment Nos. 2, 3, and 4.

II. Exchange's Description of the Proposed Rule Change

The Exchange proposes to list and trade the Shares of the Funds under Nasdaq Rule 5745, which governs the listing and trading of Exchange-Traded Managed Fund Shares, as defined in Nasdaq Rule 5745(c)(1). Each Fund is a series of the Gabelli NextShares™ Trust (''Trust'').[5] The Exchange represents that the Trust is registered with the Commission as an open-end investment company and that it has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission with respect to the Funds.[6]

Gabelli Funds, LLC (''Adviser'') will be the Adviser to the Funds. G.distributors, LLC, will be the principal underwriter and distributor of the Funds' Shares. The Bank of New York Mellon will act as custodian and transfer agent. BNY Mellon Investment Servicing (US) Inc. will act as the sub-administrator to the Funds. Interactive Data Pricing and Reference Data, Inc. will calculate the Intraday Indicative Value (as described below) for the Funds.

The Exchange has made the following representations and statements in describing the Funds.[7] According to the Exchange, each Fund will be actively managed and will pursue the various principal investment strategies described below.[8]

A. Principal Investment Strategies

1. The Gabelli Small Cap Growth Fund

The Gabelli Small Cap Growth Fund seeks to provide a high level of capital appreciation. Under normal market conditions, the Gabelli Small Cap Growth Fund invests at least 80% of its net assets, plus borrowings for investment purposes, in equity securities of companies that are considered to be small companies at the time the Gabelli Small Cap Growth Fund makes its investment. The Gabelli Small Cap Growth Fund invests primarily in the common stocks of companies, which the Adviser believes are likely to have rapid growth in revenues and above average rates of earnings growth. The Adviser currently characterizes small companies for the Gabelli Small Cap Growth Fund as those with total common stock market values of $3 billion or less at the time of investment.

2. The Gabelli RBI Fund

The Gabelli RBI Fund seeks to provide above average capital-appreciation. Under normal market conditions, the Gabelli RBI Fund primarily invests in equity securities, such as common stock, of domestic and foreign services and equipment companies focused on physical asset development, including roads, bridges, and infrastructure (RBI). The Adviser

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80315 (March 27, 2017), 82 FR 16075 (''Notice'').

[4] On April 11, 2017, the Exchange filed Amendment No. 1 to the proposed rule change and, on April 13, 2017, the Exchange withdrew Amendment No. 1. Amendment No. 2 to the proposed rule change replaces and supersedes the original filing in its entirety. In Amendment No. 2, the Exchange: (a) Represents that the Adviser will maintain a fire wall with respect to its affiliated broker-dealer regarding access to information concerning the composition of, and/or changes to, each Fund's portfolio; (b) represents that personnel who make decisions on each Fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding each Fund's portfolio; (c) provides additional detail regarding the investments of each Fund; (d) modifies the continued listing representations to conform to Nasdaq rules; and (e) makes other technical, non-substantive corrections in the proposed rule change. Amendment No. 2 is available at: *https://www.sec.gov/comments/sr-nasdaq-2017–029/nasdaq2017029–1701356–149968.pdf.* Amendment Nos. 3 to the proposed rule change is a partial amendment in which the Exchange clarifies that, under normal market conditions, the Gabelli RBI Fund invests primarily in equity securities, such as common stock, of domestic and foreign services and equipment companies focused on physical asset development, including roads, bridges, and infrastructure (RBI). Amendment No. 3 is available at: *https://www.sec.gov/comments/sr-nasdaq-2017–029/nasdaq2017029–1717445–150417.pdf.* Amendment No. 4 to the proposed rule change is a partial amendment in which the Exchange clarifies that the Reporting Authority (as defined in Nasdaq Rule 5745) will implement and maintain, or ensure that the Composition File (as defined in Nasdaq Rule 5745) will be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio positions and changes in the positions. Amendment No. 4 is available at: *https://www.sec.gov/comments/sr-nasdaq-2017–029/nasdaq2017029–1734987–150973.pdf.* Because Amendment Nos. 2, 3, and 4 to the proposed rule change do not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, Amendment Nos. 2, 3, and 4 are not subject to notice and comment.

[5] According to the Exchange, the Commission has issued an order granting the Trust and certain affiliates of the Trust exemptive relief under the Investment Company Act of 1940 (''1940 Act''). *See* Investment Company Act Release No. 31608 (May 19, 2015) (File No. 812–14438). The Exchange represents that, in compliance with Nasdaq Rule 5745(b)(5), which applies to Shares based on an international or global portfolio, the Trust's application for exemptive relief under the 1940 Act states that the Trust will comply with the federal securities laws in accepting securities for deposits and satisfying redemptions with securities, including that the securities accepted for deposits and the securities used to satisfy redemption requests are sold in transactions that would be exempt from registration under the Securities Act of 1933, as amended.

[6] *See* Registration Statement on Form N–1A for the Trust dated March 14, 2017 (File Nos. 333–211881 and 811–23160).

[7] The Commission notes that additional information regarding the Trust, the Funds, and the Shares, including investment strategies, risks, creation and redemption procedures, calculation of net asset value (''NAV''), fees, distributions, and taxes, among other things, can be found in the Notice, Amendment Nos. 2, 3, and 4, and Registration Statement, as applicable. *See supra* notes 3, 4, and 6, respectively, and accompanying text.

[8] According to the Exchange, additional information regarding the Funds will be available on one of two free public Web sites (*www.gabelli.com* or *www.nextshares.com*), as well as in the Registration Statement for the Funds.

selects companies which it believes are currently undervalued and have the potential to benefit from domestic and global reinvestment and development of physical assets, including roads, bridges, and other infrastructure-related industries.

B. Portfolio Disclosure and Composition File

Consistent with the disclosure requirements that apply to traditional open-end investment companies, a complete list of each Fund's current portfolio positions will be made available at least once each calendar quarter, with a reporting lag of not more than 60 days. The Funds may provide more frequent disclosures of portfolio positions at its discretion.

As defined in Nasdaq Rule 5745(c)(3), the ''Composition File'' is the specified portfolio of securities and/or cash that a Fund will accept as a deposit in issuing a creation unit of Shares, and the specified portfolio of securities and/or cash that a Fund will deliver in a redemption of a creation unit of Shares. The Composition File will be disseminated through the National Securities Clearing Corporation once each business day before the open of trading in Shares on that day and also will be made available to the public each day on a free Web site.[9] Because each Fund seeks to preserve the confidentiality of its current portfolio trading program, a Fund's Composition File generally will not be a pro rata reflection of the Fund's investment positions. Each security included in the Composition File will be a current holding of a Fund, but the Composition File generally will not include all of the securities in the Fund's portfolio or match the weightings of the included securities in the portfolio. Securities that the Adviser is in the process of acquiring for a Fund generally will not be represented in the Fund's Composition File until their purchase has been completed. Similarly, securities that are held in a Fund's portfolio but are in the process of being sold may not be removed from its Composition File until the sale is substantially completed. A Fund creating and redeeming Shares in kind will use cash amounts to supplement the in-kind transactions to the extent necessary to ensure that creation units are purchased and redeemed at NAV. The Composition File also may consist entirely of cash, in which case it will not include any of the securities in a Fund's portfolio.[10]

C. Intraday Indicative Value

For each Fund, an estimated value of an individual Share, defined in Nasdaq Rule 5745(c)(2) as the ''Intraday Indicative Value'' (''IIV'') will be calculated and disseminated at intervals of not more than 15 minutes throughout the Regular Market Session [11] when Shares trade on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the IIV will be calculated on an intraday basis and provided to Nasdaq for dissemination via the Nasdaq Global Index Service. The IIV will be based on current information regarding the value of the securities and other assets held by a Fund.[12] The purpose of the IIV is to enable investors to estimate the next-determined NAV so they can determine the number of Shares to buy or sell if they want to transact in an approximate dollar amount.[13]

D. NAV-Based Trading

Because Shares will be listed and traded on the Exchange, Shares will be available for purchase and sale on an intraday basis. Shares will be purchased and sold in the secondary market at prices directly linked to a Fund's next-determined NAV using a trading protocol called ''NAV-Based Trading.'' All bids, offers, and execution prices of Shares will be expressed as a premium/discount (which may be zero) to a Fund's next-determined NAV (*e.g.,* NAV − $0.01, NAV+$0.01).[14] A Fund's NAV will be determined each business day, normally as of 4:00 p.m., E.T. Trade executions will be binding at the time orders are matched on Nasdaq's facilities, with the transaction prices contingent upon the determination of NAV. Nasdaq represents that all Shares listed on the Exchange will have a unique identifier associated with their ticker symbols, which will indicate that the Shares are traded using NAV-Based Trading.

According to the Exchange, member firms will utilize certain existing order types and interfaces to transmit Share bids and offers to Nasdaq, which will process Share trades like trades in shares of other listed securities.[15] In the systems used to transmit and process transactions in Shares, a Fund's next-determined NAV will be represented by a proxy price (*e.g.,* 100.00) and a premium/discount of a stated amount to the next-determined NAV to be represented by the same increment/decrement from the proxy price used to denote NAV (*e.g.,* NAV − $0.01 would be represented as 99.99; NAV+$0.01 as 100.01).

To avoid potential investor confusion, Nasdaq represents that it will work with member firms and providers of market data services to seek to ensure that representations of intraday bids, offers, and execution prices of Shares that are made available to the investing public follow the ''NAV − $0.01/NAV+$0.01'' (or similar) display format. Specifically, the Exchange will use the NASDAQ Basic and NASDAQ Last Sale data feeds to disseminate intraday price and quote data for Shares in real time in the ''NAV − $0.01/NAV+$0.01'' (or similar) display format. Member firms may use the NASDAQ Basic and NASDAQ Last Sale data feeds to source intraday Share prices for presentation to the investing public in the ''NAV − $0.01/NAV+$0.01'' (or similar) display format.

Alternatively, member firms may source intraday Share prices in proxy price format from the Consolidated Tape and other Nasdaq data feeds *(e.g.,*

[9] The Exchange represents that the free Web site containing the Composition File will be *www.nextshares.com.*

[10] In determining whether a Fund will issue or redeem creation units entirely on a cash basis, the key consideration will be the benefit that would accrue to the Fund and its investors.

[11] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4:00 a.m. to 9:30 a.m. Eastern Time (''E.T.''); (2) Regular Market Session from 9:30 a.m. to 4:00 p.m. or 4:15 p.m. E.T.; and (3) Post-Market Session from 4:00 p.m. or 4:15 p.m. to 8:00 p.m. E.T.).

[12] IIVs disseminated throughout each trading day would be based on the same portfolio as used to calculate that day's NAV. Each Fund will reflect purchases and sales of portfolio positions in its NAV the next business day after trades are executed.

[13] In NAV-Based Trading, prices of executed trades are not determined until the reference NAV is calculated, so buyers and sellers of Shares during the trading day will not know the final value of their purchases and sales until the end of the trading day. The Exchange represents that the Registration Statement, Web site and any advertising or marketing materials will include prominent disclosure of this fact. The Exchange states that although IIVs may provide useful estimates of the value of intraday trades, they cannot be used to calculate with precision the dollar value of the Shares to be bought or sold.

[14] According to the Exchange, the premium or discount to NAV at which Share prices are quoted and transactions are executed will vary depending on market factors, including the balance of supply and demand for Shares among investors, transaction fees, and other costs in connection with creating and redeeming creation units of Shares, the cost and availability of borrowing Shares, competition among market makers, the Share inventory positions and inventory strategies of market makers, the profitability requirements and business objectives of market makers, and the volume of Share trading.

[15] According to the Exchange, all orders to buy or sell Shares that are not executed on the day the order is submitted will be automatically cancelled as of the close of trading on that day. Prior to the commencement of trading in a Fund, the Exchange will inform its members in an Information Circular of the effect of this characteristic on existing order types.

Nasdaq TotalView and Nasdaq Level 2) and use a simple algorithm to convert prices into the ''NAV − $0.01/NAV+$0.01'' (or similar) display format. Prior to the commencement of trading in a Fund, the Exchange will inform its members in an Information Circular of the identities of the specific Nasdaq data feeds from which intraday Share prices in proxy price format may be obtained.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[16] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[17] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Shares will be subject to Rule 5745, which sets forth the initial and continued listing criteria applicable to Exchange-Traded Managed Fund Shares. A minimum of 50,000 Shares for each Fund and no less than two creation units of each Fund will be outstanding at the commencement of trading on the Exchange.

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Every order to trade Shares of the Funds is subject to the proxy price protection threshold of plus/minus $1.00, which determines the lower and upper thresholds for the life of the order and provides that the order will be cancelled at any point if it exceeds $101.00 or falls below $99.00.[18] With certain exceptions, each order also must contain the applicable order attributes, including routing instructions and time-in-force information, as described in Nasdaq Rule 4703.[19]

Nasdaq also represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and the Financial Industry Regulatory Authority, Inc. (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[20] The Exchange represents that these surveillance procedures are adequate to properly monitor trading of Shares on the Exchange and to deter and detect violations of Exchange rules and applicable federal securities laws. FINRA, on behalf of the Exchange, will communicate as needed with, and may obtain information from, other markets and entities that are members of the Intermarket Surveillance Group (''ISG'') [21] regarding trading in the Shares, and in exchange-traded securities and instruments held by the Funds (to the extent those exchange-traded securities and instruments are known through the publication of the Composition File and periodic public disclosures of a Fund's portfolio holdings). In addition, the Exchange may obtain information regarding trading in the Shares, and in exchange-traded securities and instruments held by the Funds (to the extent those exchange-traded securities and instruments are known through the publication of the Composition File and periodic public disclosures of a Fund's portfolio holdings), from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Prior to the commencement of trading in a Fund, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in creation units (and that Shares are not individually redeemable); (b) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (c) how information regarding the IIV and Composition File is disseminated; (d) the requirement that members deliver a prospectus to investors purchasing Shares prior to or concurrently with the confirmation of a transaction; and (e) information regarding NAV-Based Trading protocols.

The Information Circular also will identify the specific Nasdaq data feeds from which intraday Share prices in proxy price format may be obtained. As noted above, all orders to buy or sell Shares that are not executed on the day the order is submitted will be automatically cancelled as of the close of trading on that day, and the Information Circular will discuss the effect of this characteristic on existing order types. In addition, Nasdaq intends to provide its members with a detailed explanation of NAV-Based Trading through a Trading Alert issued prior to the commencement of trading in Shares on the Exchange.

Nasdaq states that the Adviser is not a registered broker-dealer; however, it is is affiliated with a broker-dealer and has implemented and will maintain a fire wall with respect to its affiliated broker-dealer regarding access to information concerning the composition of, and/or changes to, each Fund's portfolio.[22] The Reporting Authority [23] will implement and maintain, or ensure that the Composition File will be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding a Fund's portfolio positions and changes in the positions.[24] In the event that (a) the Adviser registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-

[16] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 15 U.S.C. 78f(b)(5).

[18] *See* Nasdaq Rule 5745(h).

[19] *See* Nasdaq Rule 5745(b)(6).

[20] The Exchange states that FINRA provides surveillance of trading on the Exchange pursuant to a regulatory services agreement, and that the Exchange is responsible for FINRA's performance under this regulatory services agreement.

[21] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of a Fund's portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[22] *See* Amendment No. 2, *supra* note 4. The Exchange further represents that an investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has: (i) Adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above. *See* Amendment No. 2, *supra* note 4, at note 9.

[23] *See* Nasdaq Rule 5745(c)(4).

[24] *See* Amendment No. 4, *supra* note 4.

adviser to a Fund is a registered broker-dealer or becomes affiliated with a broker-dealer, such new adviser or sub-adviser will implement and maintain a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as the case may be, regarding access to information concerning the composition of, and/or changes to, a Fund's portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio.[25]

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[26] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Information regarding NAV-based trading prices, best bids and offers for Shares, and volume of Shares traded will be continuously available on a real-time basis throughout each trading day on brokers' computer screens and other electronic services. All bids and offers for Shares and all Share trade executions will be reported intraday in real time by the Exchange to the Consolidated Tape [27] and separately disseminated to member firms and market data services through the Exchange data feeds.

Once a Fund's daily NAV has been calculated and disseminated, Nasdaq will price each Share trade entered into during the day at the Fund's NAV plus/minus the trade's executed premium/discount. Using the final trade price, each executed Share trade will then be disseminated to member firms and market data services via a File Transfer Protocol (''FTP'') file [28] that will be created for exchange-traded managed funds and will be confirmed to the member firms participating in the trade to supplement the previously provided information with final pricing.

The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily (on each business day that the New York Stock Exchange is open for trading) and provided to Nasdaq via the Mutual Fund Quotation Service (''MFQS'') by the fund accounting agent. As soon as the NAV is entered into the MFQS, Nasdaq will disseminate the NAV to market participants and market data vendors via the Mutual Fund Dissemination Service so that all firms will receive the NAV per share at the same time.

The Exchange further represents that it may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. The Exchange will halt trading in the Shares under the conditions specified in Nasdaq Rule 4120 and in Nasdaq Rule 5745(d)(2)(C). Additionally, the Exchange may cease trading the Shares if other unusual conditions or circumstances exist that, in the opinion of the Exchange, make further dealings on the exchange detrimental to the maintenance of a fair and orderly market. To manage the risk of a non-regulatory Share trading halt, Nasdaq has in place back-up processes and procedures to ensure orderly trading. Prior to the commencement of market trading in the Shares, the Funds will be required to establish and maintain a public Web site through which its current prospectus may be downloaded.[29] A separate Web site (*www.nextshares.com*) will include additional information concerning the Funds updated on a daily basis, including the prior business day's NAV, and the following trading information for that business day expressed as premiums/discounts to NAV: (a) Intraday high, low, average, and closing prices of Shares in Exchange trading; (b) the midpoint of the highest bid and lowest offer prices as of the close of Exchange trading, expressed as a premium/discount to NAV (''Closing Bid/Ask Midpoint''); and (c) the spread between highest bid and lowest offer prices as of the close of Exchange trading (''Closing Bid/Ask Spread.''). The *www.nextshares.com* Web site will also contain charts showing the frequency distribution and range of values of trading prices, Closing Bid/Ask Midpoints, and Closing Bid/Ask Spreads over time.

The Exchange represents that all statements and representations made in the filing regarding: (a) The description of the Funds' portfolio, (b) limitations on portfolio holdings or reference assets, (c) dissemination and availability of the reference asset or intraday indicative values, or (d) the applicability of Exchange listing rules shall constitute continued listing requirements for listing the Shares on the Exchange. The issuer has represented to the Exchange that it will advise the Exchange of any failure by either Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements.[30] If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures for the Fund under the Nasdaq 5800 Series.

This approval order is based on all of the Exchange's representations, including those set forth above, in the Notice, and Amendment Nos. 2, 3, and 4,[31] and the Exchange's description of the Funds. The Commission notes that the Funds and the Shares must comply with the requirements of Nasdaq Rule 5745 and the conditions set forth in this proposed rule change to be listed and traded on the Exchange on an initial and continuing basis.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment Nos. 2, 3, and 4, is consistent with Section 6(b)(5) [32] and Section 11A(a)(1)(C)(iii) of the Act,[33] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[34] that the proposed rule change (SR–NASDAQ–2017–029), as modified by Amendment

[25] *See* Amendment No. 2, *supra* note 4.

[26] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[27] Due to systems limitations, the Consolidated Tape will report intraday execution prices and quotes for Shares using a proxy price format. Nasdaq has represented that it will separately report real-time execution prices and quotes to member firms and providers of market data services in the ''NAV−$0.01/NAV+$0.01'' (or similar) display format, and will otherwise seek to ensure that representations of intraday bids, offers and execution prices for Shares that are made available to the investing public follow the same display format.

[28] According to Nasdaq, FTP is a standard network protocol used to transfer computer files on the Internet. Nasdaq will arrange for the daily dissemination of an FTP file with executed Share trades to member firms and market data services.

[29] The Exchange represents that the Web site containing this information will be *www.gabelli.com*.

[30] The Commission notes that certain other proposals for the listing and trading of Managed Fund Shares include a representation that the exchange will ''surveil'' for compliance with the continued listing requirements. *See, e.g.,* Securities Exchange Act Release No. 78005 (Jun. 7, 2016), 81 FR 38247 (Jun. 13, 2016) (SR–BATS–2015–100). In the context of this representation, it is the Commission's view that ''monitor'' and ''surveil'' both mean ongoing oversight of a fund's compliance with the continued listing requirements. Therefore, the Commission does not view ''monitor'' as a more or less stringent obligation than ''surveil'' with respect to the continued listing requirements.

[31] *See supra* notes 3 and 4.

[32] 15 U.S.C. 78f(b)(5).

[33] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[34] 15 U.S.C. 78s(b)(2).

Nos. 2, 3, and 4, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09530 Filed 5–10–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80606; File No. SR–NYSEArca-2017–05]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of Direxion Daily Crude Oil Bull 3x Shares and Direxion Daily Crude Oil Bear 3x Shares Under NYSE Arca Equities Rule 8.200

May 5, 2017.

I. Introduction

On January 23, 2017, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] a proposed rule change to list and trade shares (''Shares'') of Direxion Daily Crude Oil Bull 3x Shares and Direxion Daily Crude Oil Bear 3x Shares (each a ''Fund,'' and collectively the ''Funds'') under NYSE Arca Equities Rule 8.200. The proposed rule change was published for comment in the **Federal Register** on February 7, 2017.[4] On March 16, 2017, pursuant to Section 19(b)(2) of the Act,[5] 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.[6] The Commission has received no comments on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act[7] 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 Funds under NYSE Arca Equities Rule 8.200, Commentary .02, which governs the listing and trading of Trust Issued Receipts.[8] Each Fund is a series of the Direxion Shares ETF Trust II (''Trust''), a Delaware statutory trust.[9] The Trust and the Funds are managed and controlled by Direxion Asset Management, LLC (''Sponsor'').[10] Bank of New York Mellon will be the custodian and transfer agent for the Funds. U.S. Bancorp Fund Services, LLC is the administrator for the Funds. Foreside Fund Services, LLC serves as the distributor of the Shares.

The Exchange has made the following representations and statements in describing the Funds and their investment strategies, including the Funds' portfolio holdings and investment restrictions.[11]

A. Investment Objectives of the Funds

The investment objective of the Direxion Daily Crude Oil Bull 3X Shares is to seek, on a daily basis,[12] investment results that correspond (before fees and expenses) to a multiple three times (3x) of the daily performance of the Bloomberg WTI Crude Oil Subindex^{SM} (a subindex of the Bloomberg Commodity Index^{SM}) (''Benchmark'').[13] The investment objective of the Direxion Daily Crude Oil Bear 3X Shares is to seek, on a daily basis,[14] investment results that correspond (before fees and expenses) to three times (3x) the inverse of the performance of the Benchmark. The Benchmark is intended to reflect the performance of crude oil as measured by the price of West Texas Intermediate crude oil futures contracts traded on the New York Mercantile Exchange (which is part of the Chicago Mercantile Exchange), including the impact of rolling,[15] without regard to income earned on cash positions. According to the Exchange, the Funds will not be directly linked to the ''spot'' price of crude oil.[16]

B. Investments of the Funds

In seeking to achieve the Funds' investment objectives, the Exchange states that the Sponsor will utilize a mathematical approach to determine the type, quantity, and mix of investment positions that the Sponsor believes, in combination, should produce daily returns consistent with the Funds' respective objectives.[17] The Sponsor would rely on a pre-determined model to generate orders that result in repositioning the Funds' investments in accordance with their respective investment objectives.

According to the Exchange, each Fund will seek to achieve its investment objectives by investing, under normal market conditions,[18] substantially all of

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[35] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 79916 (February 1, 2017), 82 FR 9608 (''Notice'').

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 80265 (March 22, 2017), 82 FR 14778. The Commission designated May 8, 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.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] 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.

[9] According to the Exchange, on December 14, 2016, the Trust filed with the Commission a registration statement on Form S–1 under the Securities Act of 1933, as amended, relating to the Funds (File No. 333–215091) (''Registration Statement'').

[10] According to the Exchange, the Sponsor is registered as a commodity pool operator with the Commodity Futures Trading Commission and is a member of the National Futures Association. *See* Notice, *supra* note 4, 82 FR at 9608.

[11] The Commission notes that additional information regarding the Trust, the Funds, 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 4 and 9, respectively.

[12] According to the Exchange, the Funds do not seek to achieve their investment objectives over a period greater than a single trading day. The Exchange states that a single trading day is measured from the time a Fund calculates its NAV to the time of a Fund's next NAV calculation. The Exchange states that the return of a Fund for a period longer than a single trading day is the result of its return for each day compounded over the period and thus will usually differ from a Fund's multiple times the return of the Benchmark for the same period. *See* Notice, *supra* note 4, 82 FR at 9609.

[13] According to the Exchange, the Benchmark is a ''rolling index,'' which means that the index does not take physical possession of any commodities. *See id.* at 9609 n.7.

[14] *See supra* note 12.

[15] The Exchange states that futures contracts held by the Funds near expiration are generally closed out and replaced by contracts with a later expiration as required by the Benchmark. The Exchange states that this process is referred to as ''rolling,'' and that the Funds do not intend to hold futures contracts through expiration, but instead to ''roll'' their respective positions. *See* Notice, *supra* note 4, 82 FR at 9609 n.8.

[16] *See id.* at 9609.

[17] *See id.*

[18] The Exchange states that the term ''normal market conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues (*e.g.,* systems failure) causing dissemination of inaccurate market information; or force majeure type events

its assets in oil futures contracts traded in the U.S. and listed options on such contracts (such futures contracts and options are collectively referred to as ''Futures Contracts''). The Funds' investments in Futures Contracts will be used to produce economically ''leveraged'' or ''inverse leveraged'' investment results for the Funds.

In the event position or accountability limits are reached with respect to Futures Contracts,[19] each Fund may obtain exposure to the Benchmark through investment in swap transactions and forward contracts referencing the Benchmark or other benchmarks the Sponsor believes should be closely correlated to the performance of each Fund's benchmark, such as the Energy Select Sector Index or the S&P Oil & Gas Exploration & Production Select Industry Index (such swap transactions and forward contracts are collectively referred to as ''Financial Instruments''). To the extent that the Trust invests in Financial Instruments, it would first make use of exchange-traded Financial Instruments, if available. If an investment in exchange-traded Financial Instruments is unavailable, then the Trust would invest in Financial Instruments that clear through derivatives clearing organizations that satisfy the Trust's criteria, if available. If an investment in cleared Financial Instruments is unavailable, then the Trust would invest in other Financial Instruments, including uncleared Financial Instruments in the over-the-counter (''OTC'') market. The Funds may also invest in Financial Instruments if the market for a specific futures contract experiences emergencies (*e.g.,* natural disaster, terrorist attack, or an act of God) or disruptions (*e.g.,* a trading halt or a flash crash) that prevent or make it impractical for a Fund to obtain the appropriate amount of investment exposure using Futures Contracts.

The Funds will invest such that each Fund's exposure to the Benchmark will consist substantially of Futures Contracts. The Funds' remaining net assets may be invested in cash or cash equivalents and/or U.S. Treasury securities or other high credit quality, short-term fixed-income or similar securities (such as shares of money market funds and collateralized repurchase agreements) for direct investment or as collateral for the Funds' investments.

The Funds do not intend to hold Futures Contracts through expiration, but instead to ''roll'' their respective positions.[20]

The Exchange states that the Funds do not expect to have leveraged exposure greater than three times (3x) the Funds' net assets. Thus, the maximum margin held at a Future Commission Merchant would not exceed three times the margin requirement for either Fund.[21]

The Exchange represents that not more than 10% of the net assets of a Fund in the aggregate invested in Futures Contracts shall consist of Futures Contracts whose principal market is not a member of the Intermarket Surveillance Group or is a market with which the Exchange does not have in place a comprehensive surveillance sharing agreement.

III. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEArca–2017–05 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[22] 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 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,[23] 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.'' [24]

Under the proposal, each Fund will seek to achieve its investment objective by investing in Financial Instruments, which, according to the Exchange, could include uncleared OTC swap transactions and forward contracts.[25] The Exchange states that each Fund's total portfolio composition will be disclosed each business day that the Exchange is open for trading on the Funds' Web site. The Web site disclosure will include, with respect to the Futures Contracts and Financial Instruments, their name, percentage weighting, and value. The Commission seeks commenters' views on the sufficiency of the information that would be provided with respect to each Fund's Financial Instruments, and whether the information will allow market participants to value these interests intraday.

In addition, under the proposal, the investment objective of the Direxion Daily Crude Oil Bull 3X Shares is to seek, on a daily basis, investment results that correspond (before fees and expenses) to a multiple three times (3x) of the daily performance of the Benchmark, and the investment objective of the Direxion Daily Crude Oil Bear 3X Shares is to seek, on a daily basis, investment results that correspond (before fees and expenses) to three times (3x) the inverse of the performance of the Benchmark. The Exchange's filing does not address whether the value of the Benchmark will be publicly disseminated, and, if

such as natural or manmade disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. *See id.* at 9609 n.11.

[19] According to the Exchange, U.S. futures exchanges have established accountability levels and position limits on the maximum net long or net short Futures Contracts in commodity interests that any person or group of persons under common trading control (other than as a hedge, which an investment by a Fund is not) may hold, own, or control. These levels and position limits apply to the Futures Contracts that each Fund would invest in to meet its investment objective. According to the Exchange, in addition to accountability levels and position limits, U.S. futures exchanges also set daily price fluctuation limits on Futures Contracts. The daily price fluctuation limit establishes the maximum amount that the price of a Futures Contract may vary either up or down from the previous day's settlement price. *See id.* at 9609.

[20] The Exchange states that when the market for these contracts is such that the prices are higher in the more distant delivery months than in the nearer delivery months, the sale during the course of the ''rolling process'' of the more nearby contract would take place at a price that is lower than the price of the more distant contract. This pattern of higher futures prices for longer expiration Futures Contracts is referred to as ''contango.'' Alternatively, when the market for these contracts is such that the prices are higher in the nearer months than in the more distant months, the sale during the course of the ''rolling process'' of the more nearby contract would take place at a price that is higher than the price of the more distant contract. This pattern of higher futures prices for shorter expiration futures contracts is referred to as ''backwardation.'' According to the Exchange, the presence of contango in certain Futures Contracts at the time of rolling could adversely affect a Fund with long positions, and positively affect a Fund with short positions. Similarly, the presence of backwardation in certain futures contracts at the time of rolling such contracts could adversely affect a Fund with short positions and positively affect a Fund with long positions. *See id.*

[21] *See id.*

[22] 15 U.S.C. 78s(b)(2)(B).

[23] *Id.*

[24] 15 U.S.C. 78f(b)(5).

[25] *See* Notice, *supra* note 4, at 9609.

so, by whom and how often. The Commission seeks commenters' views on the sufficiency of the Exchange's discussion regarding dissemination of the value of the Benchmark on which the investment objectives of the Funds are based.

Furthermore, in its filing the Exchange fails to include a representation that all statements and representations in the proposal regarding the applicability of Exchange listing rules specified in the proposal shall constitute continued listing requirements for listing the Shares on the Exchange.[26] The Commission seeks commenter's views on whether the Exchange's statements in the filing relating to the applicability of continued listing requirements for listing and trading of the Shares on the Exchange are sufficient to support a determination that the listing and trading of the Shares would be consistent with Section 6(b)(5) of the Act.

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.[27]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by June 12, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by June 26, 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,[28] 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–2017–05 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 Numbers SR–NYSEArca–2017–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–05 and should be submitted on or before June 12, 2017 Rebuttal comments should be submitted by June 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09522 Filed 5–10–17; 8:45 am]

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[26] The Commission notes that the Exchange has made this representation in other proposed rule changes to list and trade Trust Issued Receipts. *See, e.g.,* Amendment No. 1 to Securities Exchange Act Release No. 79917 (February 1, 2017), 82 FR 9620 (February 7, 2017) (SR–NYSEArca-2017–07), available at: *https://www.sec.gov/comments/sr-nysearca-2017-07/nysearca201707-1630210-137426.pdf;* Amendment No. 2 to Securities Exchange Act Release No. 79742 (January 5, 2017), 82 FR 3366 (January 11, 2017) (SR–NYSEArca–2016–173), available at: *https://www.sec.gov/comments/sr-nysearca-2016-173/nysearca2016173-1678044-149322.pdf.*

[27] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 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 Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[28] *See supra* note 4.

[29] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80610; File No. SR–MSRB–2017–01]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Withdrawal of a Proposed Rule Change To Add New MSRB Rule G–49, on Transactions Below the Minimum Denomination of an Issue, to the Rules of the MSRB, and To Rescind Paragraph (f), on Minimum Denominations, From MSRB Rule G–15

May 5, 2017.

On January 24, 2017, the Municipal Securities Rulemaking Board (''MSRB'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to add new MSRB Rule G–49, on transactions below the minimum denomination of an issue, to the rules of the MSRB, and, in MSRB Rule G–15, on confirmation, clearance, settlement, and other uniform practice requirements with respect to transactions with customers, to rescind paragraph (f), on minimum denominations. The proposed rule change was published for comment in the **Federal Register** on February 9, 2017.[3] The Commission received four comment letters on the proposal.[4] On March 21, 2017, pursuant to Section 19(b)(2) of the Exchange Act,[5] the MSRB

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79978 (February 6, 2017), 82 FR 10123.

[4] *See* letters from Leslie M. Norwood, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated March 2, 2017; Mike Nichols, Chief Executive Officer, Bond Dealers of America, dated March 2, 2017; Paige W. Pierce, President and Chief Executive Officer, RW Smith, dated March 3, 2017; and James J. Angel, Associate Professor of Finance, Georgetown University, McDonough School of Business, dated March 7, 2017.

[5] 15 U.S.C. 78s(b)(2).

granted an extension of time for the Commission to act on this filing until May 10, 2017. On May 1, 2017, the MSRB withdrew the proposed rule change (SR–MSRB–2017–01).

For the Commission, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09526 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80611; File No. SR–BatsBZX–2017–24]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.15 of Bats BZX Exchange, Inc. To Authorize the Exchange To Share a User's Risk Settings With the Clearing Member That Clears Transactions on Behalf of the User

May 5, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 24, 2017, Bats BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.15 to authorize the Exchange to share a User's[5] risk settings with the Clearing Member that clears transactions on behalf of the User.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to update Rule 11.15, Clearance and Settlement; Anonymity, to authorize the Exchange to share any of the User's risk settings with the Clearing Member that clears transactions on behalf of the User, and to capitalize the term ''Clearing Member''.

Current Exchange Rule 11.15 requires that all transactions passing through the facilities of the Exchange shall be cleared and settled through a Qualified Clearing Agency[6] using a continuous net settlement system. This requirement may be satisfied by direct participation, use of direct clearing services, or by entry into a correspondent clearing arrangement with another Member that clears trades through a Qualified Clearing Agency (''Clearing Member''). Rule 11.15 provides that if a Member clears transactions through another Member that is a Clearing Member,[7] such Clearing Member shall affirm to the Exchange in writing, through letter of authorization, letter of guarantee or other agreement acceptable to the Exchange, its agreement to assume responsibility for clearing and settling any and all trades executed by the Member designating it as its clearing firm. The rules of any such clearing agency shall govern with respect to the clearance and settlement of any transactions executed by the Member on the Exchange.

Thus, while not all Members are Clearing Members, all Members are required to either clear their own transactions or to have in place a relationship with a Clearing Member's that has agreed to clear transactions on their behalf (or on behalf of any Sponsored Participants[8] for which the Member is a Sponsoring Member[9]) in order to conduct business on the Exchange. Each Member that transacts through a Clearing Member on the Exchange is required to execute a Letter of Guarantee which codifies the relationship between the Member and the Clearing Member as it relates to the Exchange, and provides the Exchange with notice of which Clearing Members have relationships with which Members. Because the Clearing Member that guarantees the Member's transactions on the Exchange has a financial interest in understanding the risk settings utilized within the System[10] by the Member, the Exchange is proposing to amend Rule 11.15 to authorize the Exchange to share any of the User's risk settings (as described below) with the Clearing Member that clears transactions on behalf of the User. The proposal would provide the Exchange with authority to directly provide Clearing Members with information that would otherwise be available to such Clearing Members by virtue of their relationship with the respective Users (*i.e.,* such Clearing Members could instead require each User to provide such information as a condition to continuing to clear transactions for such Users). At this time, the Exchange offers a variety of risk settings related to the size of an order (*e.g.,* maximum notional value per order and maximum shares per order), the order type (*e.g.,* pre-market, post-market, short sales and ISOs), restricted securities, easy to borrow securities, and

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] A User is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(cc).

[6] Qualified Clearing Agency is defined as ''a clearing agency registered with the Commission pursuant to Section 17A of the Act that is deemed qualified by the Exchange.'' *See* Exchange Rule 1.5(u).

[7] The Exchange notes that it also proposes to amend Rule 11.15(a) to capitalize the term ''Clearing Member'' to ensure consistency within Exchange Rules.

[8] A Sponsored Participant is defined as ''a person which has entered into a sponsorship arrangement with a Sponsoring Member pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(x).

[9] A Sponsoring Member is defined as ''a broker-dealer that has been issued a membership by the Exchange who has been designated by a Sponsored Participant to execute, clear and settle transactions resulting from the System. The Sponsoring Member shall be either (i) a clearing firm with membership in a clearing agency registered with the Commission that maintains facilities through which transactions may be cleared or (ii) a correspondent firm with a clearing arrangement with any such clearing firm.'' *See* Exchange Rule 1.5(y).

[10] System is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(aa).

order cut-off (*e.g.,* block new orders and cancel all open orders).[11] The Exchange proposes to codify these risk settings in proposed Interpretation and Policy .01 to Rule 11.13, as further described below, and to reference such Interpretation and Policy in proposed paragraph (f) of Rule 11.15.

Proposed Interpretation and Policy .01 to Rule 11.13 would state that the risk settings currently offered by the Exchange include:

- Controls related to the size of an order (including restrictions on the maximum notional value per order and maximum shares per order);
- controls related to the price of an order (including percentage-based and dollar-based controls);
- controls related to the order types or modifiers that can be utilized (including pre-market, post-market, short sales, ISOs and Directed ISOs);
- controls to restrict the types of securities transacted (including restricted securities and easy to borrow securities as well as restricting activity to test symbols only);
- controls to prohibit duplicative orders;
- controls to restrict the overall rate of orders; and
- controls related to the size of an order as compared to the average daily volume of the security (including the ability to specify the minimum average daily volume of the securities for which such controls will be activated); and
- credit controls measuring both gross and net exposure that warn when approached and, when breached, prevent submission of either all new orders or BZX market orders only.

In addition to these controls, the Exchange proposes to codify in proposed Interpretation and Policy .01 other risk functionality that: (i) Permits Users to block new orders submitted, to cancel all open orders, or to both block new orders and cancel all open orders; and (ii) that automatically cancels a User's orders to the extent the User loses its connection to the Exchange. As set forth above, the proposal to authorize the Exchange to share any of the User's risk settings with the Clearing Member that clears transactions on behalf of the User would be limited to the risk settings specified in Rule 11.13, Interpretation and Policy .01. The Exchange notes that the use by a User of the risk settings offered by the Exchange is optional.[12] By using these optional risk settings, following this proposed rule change a User therefore also opts-in to the Exchange sharing its designated risk settings with its Clearing Member. The Exchange also notes that any Member that does not wish to share its designated risk settings with its Clearing Member could avoid sharing such settings by becoming a Clearing Member.

The Exchange believes that its proposal to share a User's risk settings directly with Clearing Members reduces the administrative burden on participants on the Exchange, including both Clearing Members and Users, and ensures that Clearing Members are receiving information that is up to date and conforms to the settings active in the System. Further, the Exchange believes that the proposal will help such Clearing Members to better monitor and manage the potential risks that they assume when clearing for Users of the Exchange.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[13] In particular, the proposal is consistent with Section 6(b)(5) of the Act[14] because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

As set forth above, the proposed change to Rule 11.15 will allow the Exchange to directly provide a Member's designated risk settings to the Clearing Member that clears trades on behalf of the Member. Because a Clearing Member that executes a clearing Letter of Guarantee on behalf of a Member guarantees all transactions of that Member, and therefore bears the risk associated with those transactions, the Exchange believes that it is appropriate for the Clearing Member to have knowledge of what risk settings the Member may utilize within the System. The proposal will permit Clearing Members who have a financial interest in the risk settings of Members with whom the Clearing Participant has entered into a Letter of Guarantee to better monitor and manage the potential risks assumed by Clearing Members, thereby providing Clearing Members with greater control and flexibility over setting their own risk tolerance and exposure and aiding Clearing Members in complying with the Act. To the extent a Clearing Member might reasonably require a Member to provide access to its risk setting as a prerequisite to continuing to clear trades on the Member's behalf, the Exchange's proposal to share those risk settings directly reduces the administrative burden on participants on the Exchange, including both Clearing Members and Users. The proposal also ensures that Clearing Members are receiving information that is up to date and conforms to the settings active in the System. The Exchange believes that the proposal is consistent with the Act, particularly Section 6(b)(5),[15] because it will foster cooperation and coordination with persons engaged in facilitating transactions in securities and more generally, will protect investors and the public interest, by reducing administrative burden on both Clearing Members and other Users and by allowing Clearing Members to better monitor their risk exposure.

The Exchange notes that the rule change to adopt paragraph (f) to Rule 11.15 is based on and substantively identical to Exchange Rule 21.17 and Bats EDGX Exchange (''EDGX'') Rule 21.17, each of which is applicable to options participants. The Exchange also notes that other equities exchanges offer functionality that allows clearing firms to not only directly monitor but also to set certain risk settings in connection with the activities of the firms for which they clear.[16]

The Exchange further believes that codifying the risk settings described above in Interpretation and Policy .01 to Rule 11.13 is consistent with the Act as it will provide additional transparency to Exchange Users regarding the optional risk settings offered by the Exchange. As noted above, these settings have been described by the Exchange in prior filings[17] and further information regarding such settings is

[11] *See* Securities Exchange Act Release Nos. 60236 (July 2, 2009), 74 FR 34068 (July 14, 2009) (SR–BATS–2009–019) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish a Sponsored Access Risk Management Tool); 68330 (November 30, 2012), 77 FR 72894 (December 6, 2012) (SR–BATS–2012–045) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Expand the Availability of Risk Management Tools).

[12] The Exchange does set a maximum allowable order rate threshold in order to ensure the integrity of the System. A User may optionally set a more restrictive order rate threshold but cannot override the Exchange's maximum threshold.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(b)(5).

[16] *See, e.g.,* Nasdaq Rules 6110 and 6120 relating to the Nasdaq Risk Management Service.

[17] *See supra* note 11.

available in technical specifications made available by the Exchange. However, the Exchange believes it is appropriate to provide additional details regarding these risk settings in Exchange rules. As such, the Exchange believes that the proposal is consistent with the Act, particularly Section 6(b)(5),[18] because it will foster cooperation and coordination with persons engaged in facilitating transactions in securities and more generally, will protect investors and the public interest, by providing additional transparency regarding optional risk settings offered by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues and does not pose an undue burden on non-Clearing Members because, unlike Clearing Members, non-Clearing Members do not guarantee the execution of a Member's transactions on the Exchange. The proposal is structured to offer the same enhancement to all Clearing Members, regardless of size, and would not impose a competitive burden on any Member. Any Member that does not wish to share its designated risk settings with its Clearing Member could avoid sharing such settings by becoming a Clearing Member.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[19] and Rule 19b–4(f)(6) thereunder.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–BatsBZX–2017–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BatsBZX–2017–24. 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 No. SR–BatsBZX–2017–24, and should be submitted on or before June 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09527 Filed 5–10–17; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[21] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 9992]

Notice of Determinations;

Culturally Significant Objects Imported for Exhibition Determinations: ''Picasso √ Encounters'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''Picasso √ Encounters,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Sterling and Francine Clark Art Institute, Williamstown, Massachusetts, from on or about June 4, 2017, until on or about August 27, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–09550 Filed 5–10–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9991]

Notice of Determinations;

Culturally Significant Objects Imported for Exhibition Determinations: ''Lines of Thought: Drawing From Michelangelo to Now: From the British Museum'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''Lines of Thought: Drawing from Michelangelo to Now: from the British Museum,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the New Mexico Museum of Art, Santa Fe, New Mexico, from on or about May 27, 2017, until on or about September 17, 2017, at the Museum of Art, Rhode Island School of Design, Providence, Rhode Island, from on or about October 5, 2017, until on or about January 7, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–09549 Filed 5–10–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–32]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before May 31, 2017.

ADDRESSES: You may send comments identified by docket number FAA–2017–0076 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments digitally.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lynette Mitterer, ANM–113, Federal Aviation Administration, 1601 Lind Avenue Southwest, Renton, WA 98057–3356, email *Lynette.Mitterer@faa.gov,* phone (425) 227–1047.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on May 3, 2017.

Victor Wicklund,

Manager, Transport Standards Staff.

Petition for Exemption

Docket No.: FAA–2017–0076.

Petitioner: Gulfstream.

Section 14 CFR Affected: §§ 25.841(a)(2)(i) and (a)(2)(ii).

Description of Relief Sought: Allow for inflight access to the baggage compartment above FL400 on the Gulfstream GVI model airplane.

[FR Doc. 2017–09588 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Hyundai-Kia America Technical Center, Inc.

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Hyundai-Kia America Technical Center, Inc.'s (HATCI) petition for exemption of the MY 2018 Kia Niro vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft*

Prevention Standard. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard). Hyundai also requested confidential treatment for specific information in its petition. While official notification granting or denying its request for confidential treatment will be addressed by separate letter, no confidential information provided for purposes of this document has been disclosed.

DATES: The exemption granted by this notice is effective beginning with the 2018 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, W43–439,1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Ballard's phone number is (202) 366–5222. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated January 22, 2017, Hyundai requested an exemption from the parts-marking requirements of the Theft Prevention Standard for its Kia Niro vehicle line beginning with MY 2018. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR part 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Hyundai provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its Kia Niro vehicle line. Hyundai stated that the MY 2018 Kia Niro will include both hybrid electric vehicle (HEV) and plug in hybrid electric vehicle (PHEV) models in its vehicle line. Hyundai also stated that the Kia Niro will be installed with an immobilizer device as standard equipment on the entire vehicle line. Hyundai further stated that it will offer two types of antitheft immobilizer systems on its vehicle line. Specifically, Hyundai stated that its vehicle line will be equipped with either a smart-key type of immobilizer system (with alarm) or a transponder key type of immobilizer system (with alarm) as standard equipment. Key components of the smart-key immobilizer system are an engine control unit/engine management system (EMS), vehicle control unit (VCU), smart-key unit (SMK), FOB smart-key, and a low frequency antenna (LF). Key components of the transponder immobilizer system are an engine control unit/engine management system (EMS), FOB folding key, immobilizer control unit, and an antenna coil. Hyundai further stated that it will also offer an audible and visual alarm system as standard equipment on the vehicle line.

Hyundai's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of § 543.6, Hyundai provided information on the reliability and durability of the device. Hyundai conducted and completed component tests for both antitheft immobilizer systems in accordance with the UNECE R–116.00, UNECE R–10.04, Korean standards 41.5.1, 41.5.2, 41.5.3, and Hyundai in-house standards TDP Electronic 02–02–14 and 02–03–25. Hyundai reported that all testing met its standard requirements. Hyundai also stated that its smart-key immobilizer system is a push button system that starts or stops the engine through an encrypted authentication and authorization process of communication between the FOB smart-key and the SMK. Hyundai stated that the SMK manages all functions related to the communication between the start/stop button, the FOB key and the VCU or EMS. The SMK communicates with the FOB smart-key by generating an encrypted request as a modulated low frequency signal that the LF antenna outputs to the FOB smart-key. Hyundai stated that when the two encoded keys coincide with each other, the vehicle can be started, stopped, and operated in accessory mode. Activation of the smart-key immobilizer system occurs when the start/stop button is pushed to the ''OFF'' status and when the electronic key code of the FOB key is removed from the smart-key immobilizer control unit or from the vehicle.

According to Hyundai, the smart-key immobilizer system allows the driver/operator to access and operate the vehicle by using a valid FOB key. No other actions by a mechanical key or a remote control unit are required. Hyundai stated that if a valid FOB key is in the range defined by this device, the device will automatically detect and authenticate the FOB via wireless communication between the FOB key and the smart-key immobilizer unit. If communication is authenticated, the device will allow passive accessibility to the doors and/or trunk, and/or passive locking of all the doors. The audible and visual alarm system is also automatically activated when the FOB key is removed from the smart-key immobilizer control unit, all vehicle doors and the hood are closed, and all the doors are locked. If the device is armed and unauthorized entry is attempted, the vehicle's horn will sound and the hazard lamps will flash.

Hyundai stated that its transponder key immobilizer system is a FOB key immobilizer system that starts or stops the engine through an encrypted authorization process between the FOB key, the immobilizer, and the EMS. Hyundai stated that the system enables the start and stop of the vehicle by insertion of a key into the ignition. Activation of the device occurs when the ignition switch is turned to the ''OFF'' position. Deactivation occurs when the ignition key is turned to the ''ON'' position. The transponder in the FOB key transmits an ID code to the immobilizer unit via the immobilizer coil; the EMS then transmits a question code to the immobilizer unit using a serial line. The immobilizer unit then transmits the answer code it received from the FOB key to the EMS. If the key is validated, the EMS enables the engine to start or prevents the engine from starting if the key is not validated.

In support of its petition, Hyundai referenced a JP Research Report on the ''Effectiveness of Parts-Marking and Antitheft Devices in inhibiting Auto Theft,'' which looked at the relative effectiveness of parts-marking and antitheft devices. The study concluded that for the 24 model lines used in its analysis, antitheft devices were 70% more effective than parts-marking in deterring theft. Based on the report, Hyundai also referenced the theft rates of other manufacturers' vehicle lines, *i.e.,* the Lincoln Town Car, Mazda MX–5 Miata, Mercedes-Benz E210, and the Mazda 3, that were exempted from the theft prevention standard. Hyundai stated that it believes the report showed that the installation of antitheft devices is at least as effective as complying with parts-marking requirements in reducing and deterring vehicle thefts. The theft rates for these lines using an average of three model years' data (2011–2013) are 1.0557, 0.2148, 0.9883, and 1.3535 respectively.

Based on the evidence submitted by Hyundai, the agency believes that the antitheft device for the Kia Niro vehicle line is likely to be as effective in reducing and deterring motor vehicle

theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541). The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-marking requirements of part 541, either in whole or in part, if it determines that, based upon supporting evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541. The agency finds that Hyundai has provided adequate reasons for its belief that the antitheft device for the Hyundai Kia Niro vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information Hyundai provided about its device.

For the foregoing reasons, the agency hereby grants in full Hyundai's petition for an exemption for the Kia Niro vehicle line from the parts-marking requirements of 49 CFR part 541 beginning with the 2018 model year. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements with respect to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Hyundai decides not to use the exemption for this vehicle line, it must formally notify the agency. If such a decision is made, the vehicle line must be fully marked as required by 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Hyundai wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.

The agency wishes to minimize the administrative burden that part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Issued in Washington, DC, under authority delegated in 49 CFR part 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–09515 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0139; Notice 1]

Autoliv, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Autoliv, Inc. (Autoliv), on behalf of Autoliv B.V. & CO. KG, has determined that certain Autoliv seat belt assemblies do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies.* Autoliv filed a noncompliance report dated December 1, 2016. Autoliv also petitioned NHTSA on December 23, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is June 12, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this

petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. *Overview:* Autoliv, Inc. (Autoliv), has determined that certain Autoliv seat belt assemblies do not fully comply with paragraph S4.3(j)(2)(i) of Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies.* Autoliv filed a noncompliance report dated December 1, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Autoliv also petitioned NHTSA on December 23, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of Autoliv's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Seat Belt Assemblies Involved:* Approximately 31,682 Autoliv R230.2 and R200.2 front seat LH10° seat belt assemblies manufactured between May 6, 2016, and October 18, 2016, are potentially involved. Autoliv sold the subject seat belt assemblies to BMW of North America, LLC and Jaguar Land Rover North America, LLC for installation in their vehicles (''affected vehicles'').

III. *Noncompliance:* Autoliv explains that the noncompliance is that the Emergency Locking Retractor (ELR) in the subject safety belt assemblies are equipped with a vehicle-sensitive locking mechanism which does not lock as designed when subjected to the requirements of paragraph S4.3(j)(2)(ii) of FMVSS No. 209.

IV. *Rule Text:* Paragraph S4.3 of FMVSS No. 209 states in pertinent part:

S4.3 *Requirements for hardware . . .*

(j) *Emergency-locking retractor . . .*

(2) *For seat belt assemblies manufactured on or after February 22, 2007 and for manufacturers opting for early compliance.* An emergency-locking retractor of a Type 1 or Type 2 seat belt assembly, when tested in accordance with the procedures specified in paragraph S5.2(j)(2) . . .

(ii) Shall lock before the webbing payout exceeds the maximum limit of 25 mm when the retractor is subjected to an acceleration of 0.7 g under the applicable test conditions of S5.2(j)(2)(iii)(A) or (B). The retractor is determined to be locked when the webbing belt load tension is at least 35 N.

V. *Summary of Autoliv's Petition:* Autoliv described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Autoliv submitted the following reasoning:

(a) *ELR is Voluntarily Equipped with a Webbing Sensitive Locking Mechanism:* The ELR also contains a voluntary webbing sensitive locking mechanism. The webbing sensitive locking mechanism is designed to lock at approximately 1.4–2.0g with no more than 50mm webbing payout. The webbing-sensitive locking mechanism was designed to meet the requirements of other non-US markets.

(b) *Necessary Reliance on Automaker In-Vehicle Assessments to Support Autoliv's Petition:* With regard to the effect of the ELR on the retractor locking performance of the seatbelt, as the equipment manufacturer, Autoliv is not in a position to provide testing and data on in-vehicle performance issues. However, Autoliv has consulted on and reviewed the testing performed by both BMW and JLR and even participated in some of the testing. Autoliv believes the tests substantiate the claims set forth in both the BMW petition and JLR petition. Therefore, Autoliv adopts and incorporates by reference, the test results summarized in both the BMW and JLR petitions.

(c) *Owner Contacts to Autoliv:* Autoliv has not received any contacts from vehicle owners regarding this issue.

(d) *Accidents/Injuries:* Autoliv is not aware of any accidents or injuries that have occurred as a result of this issue.

(e) *Prior NHTSA Rulings re Manufacturer Petitions:* NHTSA previously granted a petition from General Motors (GM) on a very similar issue. [69 FR 19897, Docket No. NHTSA–2002–12366, Apr 14, 2004]. GM provided test results and analyses indicating that while there existed a non-functional vehicle sensitive locking mechanism within the safety belt assembly ELR, the webbing sensitive locking mechanism provided comparable restraint performance to that of a fully functional vehicle sensitive locking mechanism.

(f) *Autoliv Production:* Autoliv production has been corrected to fully conform to FMVSS No. 209 Sections 4.3(j)(2)(i) and (ii).

Autoliv concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject seat belt assemblies that Autoliv no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors, equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant safety belt assemblies under their control after Autoliv notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–09498 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Hyundai America Technical Center, Inc.

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Hyundai America Technical Center, Inc.'s (HATCI) petition for exemption of the Ioniq vehicle line in accordance with the *Exemption from the Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard). Hyundai also requested confidential treatment for specific information in its petition. While official notification

granting or denying its request for confidential treatment will be address by separate letter, no confidential information provided for purposes of this document has been disclosed.

DATES: The exemption granted by this notice is effective beginning with the 2017 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, W43–439, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Ballard's phone number is (202) 366–5222. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated September 8, 2016, Hyundai requested an exemption from the parts-marking requirements of the Theft Prevention Standard for its Ioniq vehicle line beginning with MY 2017. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Hyundai provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its Ioniq vehicle line. Hyundai stated that the MY 2017 Ioniq will include electric vehicle (EV), hybrid electric vehicle (HEV), and plug in hybrid electric vehicle (PHEV) models in its vehicle line. Hyundai also stated that it will offer two types of antitheft immobilizer systems on its Ioniq vehicle line. Hyundai further stated that the Ioniq will be installed with an immobilizer device as standard equipment on the entire vehicle line. Specifically, Hyundai stated that the vehicle line will be equipped with either a smart-key type of immobilizer system with alarm or a transponder (non-smart key) type of immobilizer system with alarm as standard equipment. Key components of the smart-key immobilizer system are an engine control unit/engine management system (EMS), vehicle control unit (VCU), smart-key unit (SMK), FOB smart-key, and a low frequency antenna (LF). Key components of the transponder immobilizer system are an engine control unit/engine management system (EMS), FOB folding key, immobilizer control unit, and an antenna coil. Hyundai further stated that it will offer an audible and visual alarm as standard equipment on the vehicle line.

Hyundai's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of § 543.6, Hyundai provided information on the reliability and durability of the device. Hyundai conducted and completed component tests for both antitheft immobilizer systems in accordance with the UNECE R–116.00, UNECE R–10.04, Korean standards 41.5.1, 41.5.2, 41.5.3, and Hyundai in-house standards TDP Electronic 02–02–14 and 02–03–25. Hyundai stated that all testing met its standard requirements. Hyundai stated that its smart-key immobilizer system is a push button system that starts or stops the engine through an encrypted authentication and authorization process of communication between the FOB smart-key and the SMK. Hyundai stated that the SMK manages all functions related to the communication between the start/stop button, the FOB key and the VCU or EMS. The SMK communicates with the FOB smart-key by generating an encrypted request as a modulated low frequency signal that the LF antenna outputs to the FOB smart-key. Hyundai stated that when the two encoded keys coincide with each other, the vehicle can be started, stopped and operated in accessory mode. Activation of the smart-key immobilizer system occurs when the start/stop button is pushed to the ''OFF'' status and when the electronic key code of the FOB key is removed from the smart-key immobilizer control unit or from the vehicle.

According to Hyundai, the smart-key immobilizer system allows the driver/operator to access and operate the vehicle by using a valid FOB key. No other actions by a mechanical key or a remote control unit are required. Hyundai stated that if a valid FOB key is in the range defined by this device, the device will automatically detect and authenticate the FOB via wireless communication between the FOB key and the smart-key immobilizer unit. If communication is authenticated, the device will allow passive accessibility to the doors and/or trunk, and/or passive locking of all the doors. The audible and visual alarm system is also automatically activated when the FOB key is removed from the smart-key immobilizer control unit, all vehicle doors and the hood are closed, and all the doors are locked. If the device is armed and unauthorized entry is attempted, the vehicle's horn will sound and the hazard lamps will flash.

Hyundai stated that its transponder key immobilizer system is a FOB key immobilizer system that starts or stops the engine through an encrypted authorization process between the FOB key, the immobilizer, and the EMS. Hyundai stated that the system enables the start and stop of the vehicle by insertion of a key into the ignition. Activation of the device occurs when the ignition switch is turned to the ''OFF'' position. Deactivation occurs when the ignition key is turned to the ''ON'' position. The transponder in the FOB key transmits an ID code to the immobilizer unit via the immobilizer coil; the EMS then transmits a question code to the immobilizer unit using a serial line. The immobilizer unit then transmits the answer code it received from the FOB key to the EMS. If the key is validated, the EMS enables the engine to start or prevents the engine from starting if the key is not validated.

In support of its petition, Hyundai referenced a JP Research Report on the effectiveness of parts-marking, which looked at the relative effectiveness of parts-marking and antitheft devices. The study concluded that for the 24 model lines used in its analysis, antitheft devices were 70% more effective than parts-marking in deterring theft. Based on the report, Hyundai also referenced the theft rates of other manufacturers' vehicle lines, *i.e.,* the Lincoln Town Car, Mazda MX–5 Miata, Mercedes-Benz E210, and the Mazda 3, that were exempted from the theft prevention standard. Hyundai stated that it believes the report showed that the installation of antitheft devices is at least as effective as complying with parts-marking requirements in reducing and deterring vehicle thefts. The theft rates for these lines using an average of three model years' data (2011–2013) are 1.0557, 0.2148, 0.9883, and 1.3535 respectively.

Based on the evidence submitted by Hyundai, the agency believes that the antitheft device for the Ioniq vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541). The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by

unauthorized entrants; and ensuring the reliability and durability of the device.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency grants a petition for exemption from the parts-marking requirements of part 541, either in whole or in part, if it determines that, based upon supporting evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541. The agency finds that Hyundai has provided adequate reasons for its belief that the antitheft device for the Hyundai Ioniq vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information Hyundai provided about its device.

For the foregoing reasons, the agency hereby grants in full Hyundai's petition for an exemption for the Ioniq vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.7(f) contains publication requirements with respect to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Hyundai decides not to use the exemption for this vehicle line, it must formally notify the agency. If such a decision is made, the vehicle line must be fully marked as required by 49 CFR 541.5 and § 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Hyundai wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.

The agency wishes to minimize the administrative burden that § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 CFR 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–09510 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Toyota Motor North America, Inc.

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Toyota Motor North America, Inc.'s (Toyota) petition for an exemption of the Lexus NX vehicle line in accordance with the *Exemption from Vehicle Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard).

DATES: The exemption granted by this notice is effective beginning with the 2018 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, International Policy, Fuel Economy and Consumer Programs, NHTSA, W43–439, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Mazyck's phone number is (202) 366–4139. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated December 7, 2016, Toyota requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Lexus NX vehicle line beginning with MY 2018. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Toyota provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the Lexus NX vehicle line. Toyota stated that its MY 2018 Lexus NX vehicle line and NX hybrid vehicle (HV) model will be installed with a ''smart entry and start'' system and an engine immobilizer device as standard equipment. Toyota further explained that the ''smart entry and start'' system on its Lexus NX vehicle line will have slightly different components than those on its NX HV model. Key components of the ''smart entry and start'' system on the Lexus NX vehicle line will include an engine immobilizer, a certification electronic control unit (ECU), engine switch, steering lock ECU, security indicator, door control receiver, electrical key, an electronic control module (ECM) and an ID code box. The key components installed on its NX HV model will also include a power switch and a power source HV–ECU. Toyota stated that it will also install an audible and visual alarm system on its Lexus NX vehicle line as standard equipment and that there will be position switches installed on the vehicle to protect the hood and doors from unauthorized tampering/opening. Toyota further explained locking of the doors can be accomplished through use of a conventional key, wireless switch incorporated within the key fob or its smart entry system, and that unauthorized tampering with the hood or door without using one of these methods will cause the position switches to trigger its alarm system.

Toyota's submission is considered a complete petition as required by 49 CFR 543.7 in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of § 543.6, Toyota provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Toyota conducted tests based on its own specified standards.

Toyota provided a detailed list of the tests conducted (*i.e.,* high and low temperature, strength, impact, vibration, electro-magnetic interference, etc.). Toyota stated that it believes that its device is reliable and durable because it complied with its own specific design standards and the antitheft device is installed on other vehicle lines for which the agency has granted a parts-marking exemption. As an additional measure of reliability and durability, Toyota stated that its vehicle key cylinders are covered with casting cases to prevent the key cylinder from easily being broken. Toyota further explained that the numerous key cylinder combinations and key plates it uses for its inner gutter keys would make it difficult to unlock the doors without using a valid key because the key cylinders would spin out and cause the locks to not work.

Deactivation of its smart key-installed system occurs when the doors are unlocked and the device recognizes the key code. Specifically, once the driver pushes the engine switch button located on the instrument panel to start the vehicle, the certification ECU verifies the electrical key. When the key is verified, the certification ECU, ID code box and steering lock ECU receive confirmation of the valid key, and the certification ECU allows the ECM to start the engine. With the NX HV model ''smart entry and start'' system, once the driver pushes the power switch button, the certification ECU verifies the key, the certification ECU, ID code box and steering lock ECU receive confirmation of a valid key, and then the certification ECU will allow the ECM to start the vehicle.

Toyota stated that its ''smart entry and start'' system is activated when the engine switch is pushed from the ''ON'' ignition status to any other ignition status, the certification ECU performs the calculation of the immobilizer and the immobilizer signals the ECM to activate the device. On the NX HV model, the ''smart entry and start'' system is activated when the power switch is pushed from the ''ON'' ignition status to any other ignition status, the certification ECU performs the calculation of the immobilizer and the immobilizer signals the HV–ECU to activate the device.

Toyota stated that the antitheft device has been installed as standard equipment beginning with its MY 2015 Lexus NX vehicle line, including its NX HV model. The theft rate for the Toyota Lexus NX vehicle line is not available. Toyota also compared its proposed device to other devices NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements (*i.e.,* Toyota Camry, Corolla, Prius, RAV4, Highlander, Sienna, Lexus LS, and Lexus GS vehicle lines) which have all been granted parts-marking exemptions by the agency. The theft rates for the Toyota Camry, Corolla, Prius, RAV4, Highlander, Sienna, Lexus LS, and Lexus RX vehicle lines using an average of three model years' data (2012–Preliminary 2014) are 1.2975, 1.5408, 0.3164, 0.3455, 0.4711, 0.5133, 0.5605 and 0.4574 respectively. Additionally, Toyota compared the theft rate of its MY 2013 Lexus RX (0.4110) to the overall final theft rate (1.1562 per thousand vehicles produced) for MY 2013 passenger vehicles stolen in calendar year 2013 (published in the **Federal Register** on November 23, 2015). Therefore, Toyota has concluded that the antitheft device proposed for its Lexus NX vehicle line is no less effective than those devices on the lines for which NHTSA has already granted full exemption from the parts-marking requirements. Toyota stated that it believes that installing the immobilizer as standard equipment reduces the theft rate and expects the Lexus NX vehicle line to experience comparable effectiveness, and ultimately be more effective than parts-marking labels.

Based on the supporting evidence submitted by Toyota on its device, the agency believes that the antitheft device for the Lexus NX vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency grants a petition for exemption from the parts-marking requirements of part 541, either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541. The agency finds that Toyota has provided adequate reasons for its belief that the antitheft device for the Toyota Lexus NX vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information Toyota provided about its device.

For the foregoing reasons, the agency hereby grants in full Toyota's petition for exemption for the Lexus NX vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Toyota decides not to use the exemption for this line, it should formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR 541.5 and § 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Toyota wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis,* it should

consult the agency before preparing and submitting a petition to modify.

Authority: 49 CFR 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–09513 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; American Honda Motor Co., Inc.

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the American Honda Motor Co., Inc.'s (Honda) petition for exemption of the Acura MDX vehicle line in accordance with 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard).

DATES: The exemption granted by this notice is effective beginning with the 2018 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, W43–443, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Mazyck's phone number is (202) 366–4139. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated November 22, 2016, Honda requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Acura MDX vehicle line beginning with MY 2018. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR part 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Honda provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the Acura MDX vehicle line. Honda stated that its vehicle line will offer a front-wheel drive and an all-wheel drive variation. Honda further stated that its MY 2018 Acura MDX vehicle line will be installed with a transponder-based, engine immobilizer antitheft device as standard equipment. Honda also stated that the MDX vehicle line will be equipped with a ''smart entry with push button start'' ignition system (''smart entry'') and an audible and visible vehicle security system as standard equipment on the entire line. Key components of the antitheft device will include a passive immobilizer, ''smart entry'' remote, powertrain control module (PCM) and an Immobilizer Entry System (IMOES).

Honda's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of § 543.6, Honda provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Honda conducted tests based on its own specified standards. Honda provided a detailed list of the tests it used to validate the integrity, durability and reliability of the device and believes that it follows a rigorous development process to ensure that its antitheft device will be reliable and robust for the life of the vehicle. Honda stated that its device does not require the presence of a ''smart entry'' remote battery to function nor does it have any moving parts (*i.e.,* the PCM, IMOES, ignition key, ''smart entry'' remote and the electrical components are found within its own housing units), which it believes reduces the chance for deterioration and wear from normal use.

Honda stated that its immobilizer device is always active without requiring any action from the vehicle operator, until the vehicle is started using a matching ''smart entry'' remote. Deactivation occurs when a ''smart entry'' remote with matching codes is placed within operating range and the vehicle is started by pushing the engine start/stop button. Specifically, Honda stated that the immobilizer device automatically checks for the immobilizer code when the ''smart entry'' remote is within operating range (inside the vehicle, close to the doors or window or in close proximity outside the vehicle's exterior) and the vehicle is started by pushing the engine start/stop button located to the right of the steering wheel on the vehicle dashboard. The matching code is validated by the IMOES, allowing the engine to start. Honda further states that if a ''smart entry'' remote without a matching code is placed inside the operating range and the engine start/stop button is pushed, the PCM will prevent fueling and starting of the engine. Additionally, the ignition immobilizer telltale indicator will begin flashing on the meter panel.

Honda stated that it will install an audible and visible vehicle security system as standard equipment on all its MDX vehicles to monitor any attempts of unauthorized entry and to attract attention to an unauthorized person attempting to enter its vehicles without the use of a ''smart entry'' remote or its built-in mechanical door key. Specifically, Honda stated that whenever an attempt is made to open one of its vehicle doors, hood or trunk without using the ''smart entry'' remote or turning a key in the key cylinder to disarm the vehicle, the vehicle's horn will sound and its lights will flash. The vehicle security system is activated when all of the doors are locked and the hood and trunk are closed and locked. Honda's vehicle security system is deactivated by using the key fob buttons to unlock the vehicle doors or having the ''smart entry'' remote within operating range when the operator grabs either of the vehicle's front door handles.

Honda believes that additional levels of reliability, durability and security will be accomplished because its ''smart entry'' remote will utilize rolling codes for the lock and unlock functions of its vehicles. Honda stated that it will also equip its vehicle line with a hood release located inside the vehicle, counterfeit resistant vehicle identification number (VIN) plates and secondary VINs as standard equipment.

In support of its belief that its antitheft device will be as or more effective in reducing and deterring vehicle theft than the parts-marking requirement, Honda referenced data showing several instances of the effectiveness of its proposed immobilizer device. Honda first installed an immobilizer device as standard equipment on its MY 2001 Acura MDX vehicles and referenced NHTSA's theft rate data for MYs 2003–2012 showing a consistent rate of thefts well below the median of 3.5826 since the installation of its immobilizer device. NHTSA notes that the theft rates for MYs 2013 and 2014 MDX vehicle line are 0.5936 and 0.3209 respectively.

Using an average of three MYs' theft data (2012–2014), the theft rate for the MDX vehicle line is well below the median at 0.4630. Additionally, Honda referenced the Highway Loss Data Institute's 2001–2014 Insurance Theft Report showing an overall reduction in theft rates for the Honda MDX vehicles after introduction of its immobilizer device on the line.

Additionally, Honda stated that the immobilizer device proposed for the 2018 MDX is similar to the design offered on its Honda Civic, Honda Accord, Honda CR–V and Honda Pilot vehicles. The agency granted the petitions for the Honda Civic vehicle line in full beginning with MY 2014 (see 61 FR 19363, March 29, 2013), the Honda Accord vehicle line beginning with MY 2015 (see 79 FR 18409, April 1, 2014), the Honda CR–V vehicle line beginning with MY 2016 (see 80 FR 3733, January 23, 2015) and the Honda Pilot beginning with MY 2017 (see 81 FR 12197, March 8, 2016). The agency notes that the average theft rate for the Honda Civic, Accord, CR–V and Pilot vehicle lines using three MYs' data (MYs 2012 through 2014) are 0.6611, 0.7139, 0.3203 and 0.9134 respectively.

Based on the supporting evidence submitted by Honda on its device, the agency believes that the antitheft device for the Acura MDX vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541). The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attract attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency grants a petition for exemption from the parts-marking requirements of part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541. The agency finds that Honda has provided adequate reasons for its belief that the antitheft device for the Acura MDX vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard. This conclusion is based on the information Honda provided about its device.

For the foregoing reasons, the agency hereby grants in full Honda's petition for exemption for the Acura MDX vehicle line from the parts-marking requirements of 49 CFR part 541, beginning with the 2018 model year vehicles. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Honda decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Honda wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, part 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–09512 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Motor Theft Prevention Standard; Tesla

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the petition of Tesla Motors Inc's., (Tesla) petition for an exemption of the Model 3 vehicle line in accordance with the *Exemption from Vehicle Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard). Tesla also requested confidential treatment for specific information in its petition. While official notification on granting or denying Tesla's request for confidential treatment will be addressed by separate letter, no confidential information provided for purposes of this document has been disclosed.

DATES: The exemption granted by this notice is effective beginning with the 2017 model year (MY).

FOR FURTHER INFORMATION CONTACT: Mr. Hisham Mohamed, Office of International Policy, Fuel Economy and Consumer Standards, NHTSA, W43–437, 1200 New Jersey Avenue SE., Washington, DC 20590. Mr. Mohamed's phone number is (202) 366–0307. His fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated September 16, 2016, Tesla requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Model 3 vehicle line beginning with MY 2017. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Tesla provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the Model 3 vehicle line. Tesla proposes to install a passive, transponder-based, electronic engine immobilizer device as standard equipment on its Model 3 vehicle line beginning with its MY 2017 vehicles. Key components of the antitheft device include an engine immobilizer, central body controller, security controller, gateway function, drive inverters and a passive entry transponder (PET). Tesla also stated that the antitheft device is an upgraded version of the successful antitheft device currently installed as standard equipment on all Tesla Model S/X vehicles, and served as the basis for NHTSA's earlier granting of an exemption for that vehicle line. Tesla also noted that improvements to the existing antitheft device include a new coded exchange between the drive inverters and central body controller and, enhanced security communication between its components. Tesla further stated that its antitheft device will be installed with an audible alarm system as standard equipment on the entire line. Tesla stated that forced entry into the vehicle or any type of unauthorized entry without the correct PET will trigger an audible alarm. Tesla further stated that in addition to an unauthorized access through the doors, the alarm will also trigger when a break-in is attempted through both the front and rear cargo areas.

Tesla explained that its antitheft device will have a two-step activation process with a vehicle code query conducted at each stage. The first stage allows access to the vehicle when an authorization cycle occurs between the PET and the Security Controller, as long as the PET is in close proximity to the car and the driver either pushes the lock/unlock button on the key fob, pushes the exterior door handle to activate the handle sensors or inserts a hand into the handle to trigger the latch release. During the second stage, vehicle operation will be enabled when the driver sits in the driver's seat and has depressed the brake pedal. The driver can then move the gear selection stalk to drive or reverse. When one of these actions is performed, the security controller will poll to verify if the appropriate PET is inside the vehicle. Upon location of the PET, the security controller will run an authentication cycle with the key confirming the correct PET is being used inside the vehicle. Tesla stated that once authentication is successful, the security controller initiates a coded message through the gateway. If the code exchange matches the code stored in the drive inverters, the exchange will authorize the drive inverter to deactivate immobilization and allow the vehicle to be driven under its own power. Tesla stated that the immobilizer is active when the vehicle is turned off and the doors are locked. Any attempt to operate the vehicle without performing and completing each task will render the vehicle inoperable. Additionally, Tesla has incorporated an additional security measure to protect its Model 3 vehicle line. Tesla stated that when there are no user inputs to the vehicle within a programmed period of time, immobilization of the antitheft device will be reactivated, even if the car is unlocked or has the antitheft device has already been deactivated.

Tesla's submission is considered a complete petition as required by 49 CFR 543.7 in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of § 543.6, Tesla provided information on the reliability and durability of its proposed device. Tesla stated that all components of its antitheft device are contained inside the vehicle's passenger compartment in locations not readily accessible, or are contained within other vehicle components. Tesla stated that this will protect the antitheft device from exposure to the elements as well as significantly limit accessibility to those components by unauthorized personnel. Additionally, Tesla stated that it expects the components of the antitheft device to be reliable because the antitheft device relies on electronic functions and not mechanical functions. Tesla also provided the agency with a reliability engineering test report. Tesla believes the report provides sufficient reliability and durability information as required by 49 CFR 543.6(a)(1)(v). Tesla stated that the reliability and durability testing completed on its Tesla Model 3 Security Controller PCBA has shown to meet the requirements based on Tesla Reliability Testing and Validation Specification and the Model 3 product launch reliability targets.

Tesla stated that the Model 3 antitheft device will be similar to the version designed to deter theft of its Model S and X vehicles. It noted that similar to the Model S and X vehicle lines, its antitheft device requires coded communication between the security controller and drive inverters. Tesla further stated that even gaining access to the 12V power supply to the Security Controller or Gateway will not allow a thief to bypass the system because only inputs from a correct code can deactivate the system and allow the vehicle to function. Tesla also stated that it expects the Model 3 vehicle line to achieve very, low theft rates with the installation of its antitheft immobilizer device. Tesla further stated it believes that having a powerful antitheft device, with electronic locks and an alarm system installed on its Model 3 vehicle line strongly indicates that its Model 3 vehicle line will have significantly lower theft rates than comparable vehicles that have only been parts marked in accordance with 49 CFR part 541.

Comparatively, Tesla stated that the antitheft device proposed for its Model 3 vehicle line is similar to other antitheft devices which NHTSA has already determined to be as effective in reducing and deterring motor vehicle theft as the parts marking requirements (*i.e.,* the Tesla Model S and X vehicle lines). Specifically, the agency's data show that using an average of 3 MY's (final 2012–2013 and preliminary 2014) theft rate data, the average theft rate for the Tesla Model S vehicle line is (0.1123), which is well below the median theft rate of 3.5826. There is no theft rate data available for the Model X vehicle line because it is a newly introduced vehicle.

Based on the evidence submitted by Tesla, the agency believes that the antitheft device for the Model 3 vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541).

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency grants a petition for exemption from the parts-marking requirements of part 541, either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541. The agency finds that Tesla has provided adequate reasons for its belief that the antitheft device for the Model 3 vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard. This conclusion is based on the information Tesla provided about its device.

The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attract attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

For the foregoing reasons, the agency hereby grants in full Tesla's petition for exemption for the Model 3 vehicle line from the parts-marking requirements of 49 CFR part 541, beginning with the 2017 model year vehicles. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given MY. 49 CFR 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts marking requirements of the Theft Prevention Standard.

If Tesla decides not to use the exemption for this line, it should formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Tesla wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to, but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 CFR 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–09516 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0140; Notice 1]

General Motors, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: General Motors, LLC (GM), has determined that certain model year (MY) 2014–2016 GM motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less.* GM filed a noncompliance report dated December 6, 2016, and revised it on April 6, 2017. GM also petitioned NHTSA on January 5, 2017, and submitted a revised petition on April 7, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is June 12, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. *Overview:* General Motors, LLC (GM), has determined that certain model year (MY) 2014–2016 GM motor vehicles do not fully comply with paragraph S4.4.2(e) of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less.* GM filed a noncompliance report dated December 6, 2016, and revised it on April 6, 2017, pursuant to 49 CFR part

573, *Defect and Noncompliance Responsibility and Reports.* GM also petitioned NHTSA on January 5, 2017, and submitted a revised petition on April 7, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of GM's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Approximately 130,088 of the following MY 2014–2016 GM motor vehicles manufactured between August 7, 2014, and June 15, 2015, are potentially involved:

- 2015–2016 Cadillac Escalade
- 2015–2016 Cadillac Escalade ESV
- 2015–2015 Cadillac SRX
- 2015–2016 Chevrolet Tahoe
- 2015–2016 GMC Yukon
- 2015–2016 GMC Yukon XL
- 2014–2015 GMC Sierra
- 2014–2015 Chevrolet Silverado
- 2015–2016 Chevrolet Suburban

III. *Noncompliance:* GM explains that the noncompliance is that the subject vehicles are equipped with wheels supplied by Citic Dicastal Co. LTD (Dicastal) that are marked with unregistered date of manufacture marks that were not previously disclosed to NHTSA and therefore, do not comply with paragraph S4.4.2(e) of FMVSS No. 110.

IV. *Rule Text:* Paragraph S4.4.2(e) of FMVSS No. 110 states:

S4.4.2 *Rim markings for vehicles other than passenger cars.* Each rim or, at the option of the manufacturer in the case of a single-piece wheel, each wheel disc shall be marked with the information listed in S4.4.2 (a) through (e), in lettering not less than 3 millimeters in height, impressed to a depth or, at the option of the manufacturer, embossed to a height of not less than 0.125 millimeters . . .

(e) The month, day and year or the month and year of manufacture, expressed either numerically or by use of a symbol, at the option of the manufacturer. For example: ''September 4, 2001'' may be expressed numerically as: ''90401'', ''904, 01'' or ''01, 904''; ''September 2001'' may be expressed as: ''901'', ''9, 01'' or ''01, 9''.

i. Any manufacturer that elects to express the date of manufacture by means of a symbol shall notify NHTSA in writing of the full names and addresses of all manufacturers and brand name owners utilizing that symbol and the name and address of the trademark owner of that symbol, if any. The notification shall describe in narrative form and in detail how the month, day, and year or the month and year are depicted by the symbol. Such description shall include an actual size graphic depiction of the symbol, showing and/or explaining the interrelationship of the component parts of the symbol as they will appear on the rim or single piece of wheel disc, including dimensional specifications, and where the symbol will be located on the rim or single piece wheel disc. The notification shall be received by NHTSA not less than 60 calendar days before the first use of the symbol . . .

V. *Summary of GM's Petition:* GM described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, GM submitted the following reasons:

(a) *This is not a safety issue:* Neither the marking method nor the timely disclosure of it to NHTSA have any effect on the operation, performance, or safety of the affected vehicles. For example, the required date marks do not serve any safety purpose and do not provide any safety benefit. The purpose of the date mark is traceability in the event a future wheel defect is discovered. For example, if it were discovered that Dicastal wheels manufactured in January 2015 had a defect (*e.g.,* high porosity in the casting) a dealer could use the date marking to determine if a given wheel was in the suspect population.

Importantly, here, all the affected wheels on GM's vehicles have accurate date markings and can be traced in the event of a defect. Except for a small percentage of affected wheels, the markings have all been disclosed to NHTSA. Disclosed or not, however, GM and its dealers can still trace the wheels because the unregistered date marks contain sufficient information to clearly identify the month and year of manufacture. Therefore, the issue here is more of a procedural one, and the fact that these date marks were not registered with NHTSA in a timely manner presents no substantive safety issue and is inconsequential to motor vehicle safety.

(b) *NHTSA has granted similar requests:* Granting this petition would be consistent with NHTSA's past decisions involving wheel markings required by FMVSS No. 110. For example, NHTSA recently granted a petition for inconsequential treatment related to a noncompliance with FMVSS No. 110's requirement that the source of the published nominal dimensions be marked on the rims. In that case, NHTSA agreed that the incorrect rim marking had no effect on the performance and safety of the tire/rim combination. Here, the connection to safety is even more attenuated because the markings on the wheels are correct, they were just not disclosed to NHTSA in a timely manner. For at least the same reasons NHTSA found incorrect rim markings inconsequential to vehicle safety, GM requests that NHTSA come to the same conclusion regarding the correct, but unregistered, markings in this case as being inconsequential to motor vehicle safety.

(c) *The issue has been corrected:* Dicastal corrected the issue in production on April 25, 2015, when it stopped using unregistered date marks. Since then, the manufacture date marks on GM's Dicastal wheels have been properly disclosed to NHTSA and comply with FMVSS No. 110.

GM concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

To view GM's petition, pictures and analyses in its entirety you can visit *https://www.regulations.gov* by following the online instructions for accessing the dockets and by using the docket ID number for this petition shown in the heading of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that GM no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after GM notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–09497 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Ford Motor Company

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Ford Motor Company's (Ford) petition for exemption of the EcoSport vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard). Ford also requested confidential treatment for specific information in its petition. While official notification granting or denying its request for confidential treatment will be addressed by separate letter, no confidential information provided for purposes of this document has been disclosed.

DATES: The exemption granted by this notice is effective beginning with the 2018 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., West Building, Room W43–439, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366–5222. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated September 20, 2016, Ford requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the EcoSport vehicle line beginning with MY 2018. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR part 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Ford provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its EcoSport vehicle line. Ford stated that its MY 2018 EcoSport vehicle line will be installed with a passive electronic immobilizer device using encrypted transponder technology as standard equipment on the entire vehicle line. Along with a passive immobilizer device, Ford stated that the EcoSport vehicle line will be equipped with one of two systems, the SecuriLock/Passive Anti-Theft Electronic Engine Immobilizer System (SecuriLock/PATS) or the Intelligent Access with Push Button Start (IAwPB) Electronic Engine Immobilizer System. Ford stated that the SecuriLock/PATS system will be installed on all EcoSport trim levels except its SE and Titanium packages which will be installed with the IAwPB system. Specifically, Ford stated that key components of the SecuriLock/PATS system will include an immobilizer, an electronic transponder key, powertrain control module/transmission control module (PCM/TCM), transceiver module, ignition lock and instrument cluster. Key components of the IAwPB system will include a passive immobilizer, electronic key fob, remote function actuator/body control module (RFA/BCM), keyless vehicle module (KVM), and powertrain control module. Ford further stated that its platinum trim-packaged vehicles will also offer a separate perimeter alarm system as standard equipment. The perimeter alarm system activates a visible and audible alarm if unauthorized access is attempted.

Ford's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of 543.6, Ford provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the antitheft device, Ford conducted tests based on its own specified standards. Ford provided a detailed list of the tests conducted and believes that the antitheft device is reliable and durable since it complied with its own specified requirements for each test. Ford also stated that it believes its antitheft device is reliable and durable because it has no moving parts which reduces the chance for component deterioration or wear resulting from normal use. Additionally, Ford stated that incorporation of several other features in the antitheft device further support reliability and durability. Other features incorporated in the antitheft device include: Encrypted communication between the transponder, the instrument cluster and the PCM/TCM; numerous code combinations; inability to mechanically override the antitheft device to start the vehicle; and inability to start the vehicle by attempting to slam-pull the ignition lock cylinder or short the ''Start/Stop'' button.

Ford stated that activation of the antitheft immobilizer device occurs when the ignition key is turned to the ''Start'' position on the SecuriLock/PATS system or the ''Start/Stop'' button is pressed on the IAwPB system. The transceiver module then reads the ignition keycode and transmits an encrypted message from the keycode to the instrument cluster. Once the key is validated, starting of the engine is authorized by sending a separate encrypted message to the powertrain control module/transmission control module (PCM/TCM). Deactivation of the SecuriLock/PATS system and the IAwPB system occurs automatically each time an engine start sequence occurs. Ford stated that with both systems, the powertrain will function only if the keycode matches the unique identification keycode that was previously programmed into the PCM/TCM or the RFA/BCM. With the IAwPB system, Ford stated that if the programmed key is not present in the vehicle, the engine will not start. Ford also stated that the IAwPB system's BCM and PCM share security when first installed during vehicle assembly forming matched modules, and if separated from each other, the matched modules will not function in any other vehicles.

Ford stated that its MY 2018 EcoSport vehicle line will also be equipped with several other standard antitheft features common to Ford vehicles (*i.e.,* hood release, counterfeit resistant VIN labels, secondary VINs inscribed on the vehicle body, and an exterior key lock/pad that is located on the driver door to limit cabin access).

Ford compared the antitheft immobilizer device proposed for its vehicle line to other antitheft devices which NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. Ford stated that it believes that the standard installation of its antitheft immobilizer device using either the SecuriLock/PATS or the IAwPB system would be an effective deterrent against vehicle theft.

In support of its belief that its antitheft device will be as or more effective in reducing and deterring

motor vehicle theft than the parts-marking requirements, Ford stated that it installed the SecuriLock/PATS immobilizer device as standard equipment on all of its MY 1996 Ford Mustang GT and Cobra vehicle lines, as well as other selected models including the Ford Mustang vehicle line. Ford also referenced the National Insurance Crime Bureau (NICB) theft statistics which showed that there was a 70% reduction in the theft rate for the MY 1997 Ford Mustang vehicle line installed with the SecuriLock/PATS immobilizer device as compared to the theft rate for its MY 1995 Ford Mustang vehicle line not installed with the antitheft immobilizer device.

Ford also reported that beginning with MY 2008, the SecuriLock/PATS immobilizer device was installed as standard equipment on all of its North American Ford, Lincoln and Mercury vehicles except for the F-series Super Duty, Econoline and Crown Victoria Police Interceptor vehicles. Ford further stated that the SecuriLock/PATS system with its standard equipment immobilizer device is similar in design and implementation to the antitheft device offered on the Ford Fusion vehicle line starting with the 2012 model year. Ford was granted an exemption for the Fusion vehicle line on January 11, 2011 by NHTSA (See 71 FR 7824) beginning with its MY 2006 vehicles. The theft rate for the MY 2012 Ford Fusion using an average of three MYs' data (2011–2013) is 1.2712. Ford also referenced theft rate data published by NHTSA showing that theft rates for the Ford Escape vehicle line have been gradually decreasing and stated that it is currently very close to the theft rate for all vehicles published for MY's 2008–2013. Ford stated that since its SecuriLock/PATS or IAwPB immobilization device will be the primary theft deterrents on Ford EcoSport vehicles, it believes that the very low theft rates are likely to continue or improve in the future. The theft rate for the MY 2013 Ford Escape using an average of three MYs' data (2011–2013) is 0.7764. There is no current theft rate data available for Ford's new EcoSport vehicle line.

The agency agrees that Ford's antitheft device is substantially similar to antitheft devices installed on other vehicle lines for which the agency has already granted exemptions.

Based on the supporting evidence submitted by Ford about its antitheft device, the agency believes that the antitheft device for the EcoSport vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). The agency concludes that the antitheft device will provide four of the five types of performance listed in § 543.6(a)(3): Promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-marking requirements of Part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541. The agency finds that Ford has provided adequate reasons for its belief that the antitheft device for the Ford EcoSport vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information Ford provided about its antitheft device.

For the foregoing reasons, the agency hereby grants in full Ford's petition for exemption for the EcoSport vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Ford decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Ford wishes in the future to modify the immobilizer device on which this exemption is based, the company may have to submit a petition to modify the exemption.

Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Issued in Washington, DC, under authority delegated in 49 CFR part 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–09511 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Jaguar Land Rover North America LLC

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT)

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Jaguar Land Rover North America LLC's, (Jaguar Land Rover) petition for an exemption of the F-Pace vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541).

DATES: The exemption granted by this notice is effective beginning with model year (MY) 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Hisham Mohamed, Office of International Policy, Fuel Economy and

Consumer Programs, NHTSA, W43–437, 1200 New Jersey Avenue SE., Washington, DC 20590. Mr. Mohamed's phone number is (202) 366–0307. His fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated December 15, 2016, Jaguar Land Rover requested an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541) for the MY 2018 Jaguar F-Pace vehicle line. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Jaguar Land Rover provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the F-Pace vehicle line. Jaguar Land Rover stated that its F-Pace vehicles will be equipped with a passive, transponder-based, electronic engine immobilizer device as standard equipment beginning with the 2018 model year. Key components of its antitheft device will include a power train control module (PCM), instrument cluster, body control module (BCM), remote frequency receiver (RFR), Immobilizer Antenna Unit (IAU), Remote Frequency Actuator (RFA), Perimeter Alarm System, Smart Key and door control units (DCU/s). Jaguar Land Rover stated that its antitheft device will also include an audible and visual perimeter alarm system as standard equipment. Jaguar Land Rover stated that the perimeter alarm can be armed with the Smart Key or programmed to be passively armed. The siren will sound and the vehicle's exterior lights will flash if unauthorized entry is attempted by opening the hood, doors or luggage compartment. Jaguar Land Rover's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

The immobilizer device is automatically armed when the Smart Key is removed from the vehicle. Jaguar Land Rover stated that the Smart key is programmed and synchronized to the vehicle through the means of an identification key code and a randomly generated secret code that are unique to each vehicle.

Jaguar Land Rover stated that there are three methods of antitheft device operation. Method one consists of automatic detection of the Smart Key via a remote frequency challenge response sequence. Specifically, when the driver approaches the vehicle and pulls the driver's door handle following authentication of the correct Smart Key, the doors will unlock. When the ignition start button is pressed, a search to find and authenticate the Smart Key commences within the vehicle interior. If successful, this information is passed by coded data transfer to the BCM via the Remote Function Actuator. The BCM in turn, will pass the ''valid key'' status to the instrument cluster, via a coded data transfer. The BCM will then send the key valid message code to the PCM initiating a coded data transfer and authorize the engine to start. Method two consists of unlocking the vehicle with the Smart Key unlock button. As the driver approaches the vehicle, the Smart Key unlock button is pressed and the doors will unlock. Once the driver presses the ignition start button, the operation process is the same as method one. Method three involves using the emergency key blade. If the Smart Key has a discharged battery or is damaged, there is an emergency key blade that can be removed from the Smart Key and used to unlock the doors. On pressing the ignition start button, a search is commenced in order to find and authenticate the Smart Key within the vehicle interior. If successful, the Smart Key needs to be docked. Once the Smart Key is placed in the correct position, and the ignition start button is pressed again, the BCM and Smart key enter a coded data exchange via the Immobilizer Antenna Unit. The BCM in turn, passes the valid key status to the instrument cluster, via the Immobilizer Antenna Unit. The BCM then sends the key valid message to the PCM which initiates a coded data transfer. If successful, the engine is authorized to start.

In addressing the specific content requirements of 543.6, Jaguar Land Rover provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Jaguar Land Rover conducted tests based on its own specified standards. Jaguar Land Rover provided a detailed list of the tests conducted (*i.e.,* temperature and humidity cycling, high and low temperature cycling, mechanical shock, random vibration, thermal stress/shock tests, material resistance tests, dry heat, dust and fluid ingress tests). Jaguar Land Rover stated that it believes that its device is reliable and durable because it complied with specified requirements for each test. Additionally, Jaguar Land Rover stated that the key recognition sequence includes in excess of a billion code combinations which include encrypted data that are secure against copying. Jaguar Land Rover also stated that the coded data transfer between the BCM and the PCM modules use a unique secure identifier, a random number and a secure public algorithm. Furthermore, Jaguar Land Rover stated that since the F-Pace vehicle line will utilize push button vehicle ignition, it does not have a conventional mechanical key barrel. Therefore, there will be no means of forcibly bypassing the key-locking system.

Jaguar Land Rover also stated that no theft data is available for the F-Pace because it is a new vehicle line. Jaguar Land Rover further stated that its immobilizer is substantially similar to the antitheft device installed on the Jaguar XK, Jaguar F-Type, Jaguar XJ, Land Rover Discovery Sport and Land Rover Range Rover Evoque. Jaguar Land Rover stated that based on MY 2014 theft information published by NHTSA, the Jaguar Land Rover vehicles equipped with immobilizers had a combined theft rate of 0.31 per thousand vehicles, which is below NHTSA's overall theft rate of 1.15 thefts per thousand. The agency notes the average theft rate for the XK, XJ and Land Rover LR2 vehicle lines using an average of three model years' data (2012—preliminary 2014) are 0.5039, 0.6811 and 0.1141, respectively and the theft rate for the Jaguar F-type is 0.7416 (preliminary 2014). Jaguar Land Rover believes these low theft rates demonstrate the effectiveness of the immobilizer device.

Based on the supporting evidence submitted by Jaguar Land Rover on the device, the agency believes that the antitheft device for the F-Pace vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541). The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attract attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-

marking requirements of Part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541. The agency finds that Jaguar Land Rover has provided adequate reasons for its belief that the antitheft device for the Jaguar Land Rover F-Pace vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information Jaguar Land Rover provided about its device.

For the foregoing reasons, the agency hereby grants in full Jaguar Land Rover's petition for exemption for the F-Pace vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Jaguar Land Rover decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Jaguar Land Rover wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Issued in Washington, DC under authority delegated in 49 CFR part 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–09514 Filed 5–10–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Generic Clearance for the Collection or Qualitative Feedback on Agency Service Delivery

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Generic Clearance for the Collection or Qualitative Feedback on Agency Service Delivery.

DATES: Written comments should be received on or before July 10, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection or Qualitative Feedback on Agency Service Delivery.

OMB Number: 1530–0023.

Transfer of OMB Control Number: The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

Abstract: The Bureau of the Fiscal Service conducts various surveys, focus groups, and interviews to assess the effectiveness and efficiency of existing products and services; to obtain knowledge about the potential public audiences attracted to new products being introduced; and to measure awareness and appeal of efforts to reach audiences and customers.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 10,000.

Estimated Time per Respondent: 60 minutes.

Estimated Total Annual Burden Hours: 10,000.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 5, 2017.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2017–09553 Filed 5–10–17; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on this continuing information collection, as required by the Paperwork Reduction Act of 1995. The public is invited to submit comments on the collection(s) listed below.

DATES: Written comments must be received on or before July 10, 2017.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to: Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

OMB Control Number: 1505–0231.

Type of Review: Extension without change of a currently approved collection.

Abstract: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs.

Form: None.

Affected Public: Businesses or other for-profits, Individuals and households.

Estimated Total Annual Burden Hours: 40,000.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: May 8, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–09571 Filed 5–10–17; 8:45 am]

BILLING CODE 4810–25–P

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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/.**

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